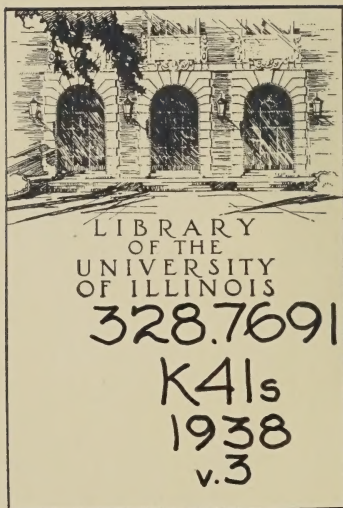


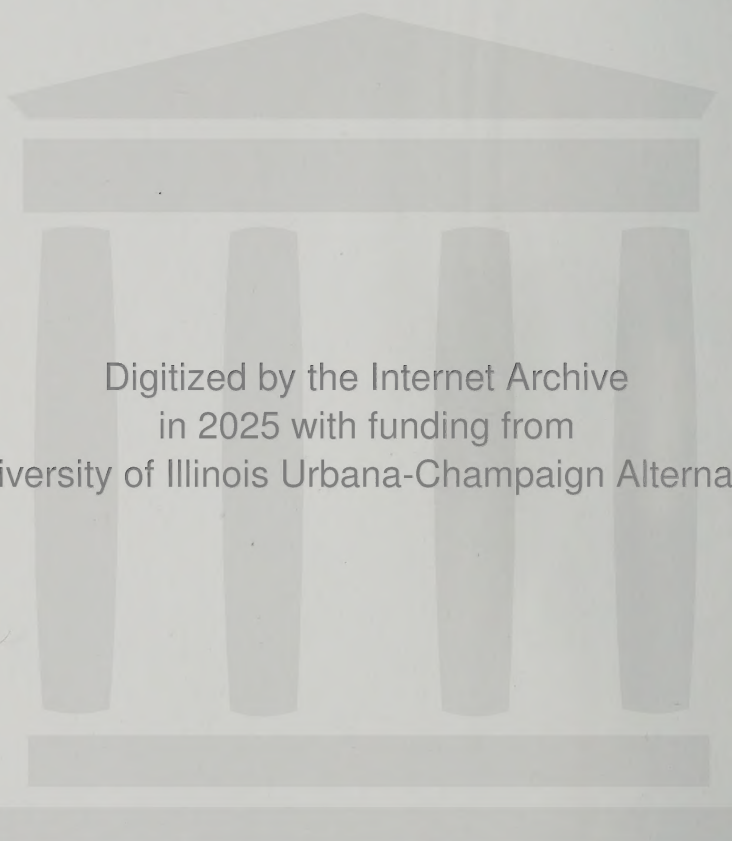


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JOURNAL
OF THE
KENTUCKY SENATE
OF THE
COMMONWEALTH OF KENTUCKY

Regular Session, 1938

VOL. III

Held in the State Capitol, in the Capital City of Kentucky,
at Frankfort, in the year of Our Lord 1938 and in the
One Hundred and Forty-Sixth Year
of the Commonwealth.

Begun on the Fourth day of January, 1938 and adjourned
sine die on the First day of March, 1938.

V. A. PHILLIPS, *Chief Clerk*

O. L. BOZEMAN, *Assistant Clerk*

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JOURNAL OF THE KENTUCKY SENATE

FRIDAY, FEBRUARY 25, 1938

The Senate convened and was called to order by the President of the Senate, the Honorable Keen Johnson, Lieutenant Governor of the Commonwealth.

The Senate was opened with prayer by the Reverend R. B. Kelly, pastor of the Church of the Nazarene, Frankfort, Kentucky.

The roll of the Senate was called, and the following members answered to their names, viz.:

Wm. R. Attkisson	J. Joseph Hettinger	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Wm. H. Jones, Jr.	Jos. P. Tackett
H. Stanley Blake	Leo King	J. E. Trager
Ollie J. Bowen	J. W. McDonald	Ervine Turner
Leer Buckley	Stanley B. Mayer	Thomas O. Turner
Dr. D. H. Bush	Strother Melton	E. T. Wesley
Waller A. Crockett	E. C. Moore	Otis White
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
W. C. Farmer	Dr. R. C. Moss	B. M. Williams
Lee Gibson	Ray B. Moss	J. E. Wise
Ralph Gilbert	James C. Rogers	
John M. Hall	Ira W. See	

Senator Dawson moved that the reading of the Journal of the proceedings of Thursday, February 24th, 1938, be dispensed with, and the same be approved.

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Said motion was agreed to.

Senator Farmer moved that the rules be suspended and the privilege of the floor be extended to Mr. J. C. Carter of Tompkinsville, Kentucky and Mr. Lynn Armstrong, of Burkesville, Kentucky.

Said motion was unanimously agreed to.

Senator Bowen moved that the rules be suspended and the privilege of the floor be extended to former Senator E. B. Miller of Salvisa, Kentucky.

Said motion was unanimously agreed to.

Senator Ray B. Moss moved that the rules be suspended and the privilege of the floor be extended to Mr. Joe Lawton of Louisville, Kentucky.

Said motion was unanimously agreed to.

Senator Tackett moved that the rules be suspended and the privilege of the floor be extended to Messrs. Chandar Tackett, Fred Williams, Dial Salisbury, General Fugate, Bill Williams, W. M. Hagan.

Said motion was unanimously agreed to.

Senator R. C. Moss moved that the rules be suspended and the privilege of the floor be extended to Messrs. W. C. Sumpter, John Masters, Ben Leichardt, and Mrs. Earl Rabold of Bowling Green, Kentucky.

Said motion was unanimously agreed to.

Senator Gibson moved that the rules be suspended and

the privilege of the floor be extended to Mr. Will Watson of Owensboro, Kentucky.

Said motion was unanimously agreed to.

Senator King moved that the rules be suspended and the privilege of the floor be extended to Miss Kate Mason.

Said motion was unanimously agreed to.

Senator Sidebottom moved that the rules be suspended and the privilege of the floor be extended to Mr. Derwood Scroggin of Williamstown, Kentucky.

Said motion was unanimously agreed to.

Senator White moved that the rules be suspended and the privilege of the floor be extended to Mr. W. H. Dunn of Hartford, Kentucky.

Said motion was unanimously agreed to.

Senator Buckley moved that the rules be suspended and the privilege of the floor be extended to Mr. J. N. Hisle, Lexington, Kentucky.

Said motion was unanimously agreed to.

Senator T. O. Turner moved that the rules be suspended and the privilege of the floor be extended to Messrs. R. H. Hood and Jack Kennedy of Murray, Kentucky, and the Honorable Robert Humphreys, Commissioner of Highways of the Commonwealth of Kentucky.

Senator J. Lee Moore moved that the rules be suspended and the privilege of the floor be extended to Mr. Emerson

Beauchamp of Logan County, Mr. Robert Short of Simpson County, and Mrs. George Wipper and Mr. George Duncan of Franklin, Kentucky.

Said motion was unanimously agreed to.

Senator E. C. Moore moved that the rules be suspended and the privilege of the floor be extended to Messrs. H. C. Cox, A. C. Fine and D. B. Pelphrey of Lancaster, Kentucky.

Said motion was unanimously agreed to.

Senator Crockett moved that the rules be suspended and the privilege of the floor be extended to the Honorable James and Arthur Kehoe of Maysville, Kentucky.

Said motion was unanimously agreed to.

Senator Wise moved that the hour of eleven o'clock, A. M., on Monday, February 28th, 1938, be set for a hearing before the Senate on a bill of the following title, viz.:

H. B. 385. An Act relating to primary and general elections and providing for a state-wide registration of voters in the Commonwealth of Kentucky, and providing the manner in which voters may register in each and every county of the state, and providing for the manner in which said voters may change their registrations as to party affiliations, and further providing the manner of purging the registration lists, and providing for a Statewide Registration and Purgation Board and creating a County Registration and Purgation Board and prescribing their duties in regard thereto, their term of office, and providing for salaries and expenses of said boards and employees, and repealing and re-enacting Sections 1486bb-1, 1486bb-2, 1486bb-4 and 1486bb-13, and expressly repealing Sections 1486b-28 to 1486b-61, inclusive, being known as the

Model Registration Act for cities of the first class, and providing that cities of the first class shall come under the provisions of the Statewide General Registration Act, being Chapter 45 of the Acts of the General Assembly of 1936, and providing that the voters who have heretofore registered in cities of the first class shall not be required to re-register, and providing that the registration lists and books now in the hands of any commission, board or other person shall be transferred to the County Court Clerk's office of each and every county in the state, and when so transferred that all registration books and registration lists shall be purged as provided for under Chapter 45 of the Acts of the General Assembly of 1936 and under the direct supervision of the County Board of Registration and Purgation provided for in this Act, and repealing all laws in conflict herewith and declaring an emergency.

At this time, His Excellency, the Honorable A. B. Chandler, Governor of the Commonwealth of Kentucky, appeared upon the floor of the Senate and addressed the members of the Senate extemporaneously concerning said bill.

Noting the presence in the Senate of Mr. Joe Lawton, a member of the Registration Board of Louisville, Kentucky, the President of the Senate called upon Mr. Lawton who addressed the Senate briefly concerning said bill.

Senator Gilbert offered the following amendment to the motion as made by Senator Wise, viz.: That at the hour of eleven o'clock, A. M., on Monday, February 28th, 1938, the Senate resolve itself into a Committee of the Whole Senate for the purpose of hearing informed speakers on the subject matter of the bill aforesaid.

Said amendment to said motion as made by Senator Wise was agreed to.

Whereupon, said motion as amended was agreed to.

Noting their presence in the gallery, Senator Trager introduced to the members of the Senate Professor Hartford and students of his class from the Manual Training High School of Louisville, Kentucky, and the President of the Senate extended a cordial welcome to them.

HOUSE MESSAGE

A message was received from the House of Representatives, announcing that they had passed bills and resolutions which originated in that body of the following titles, viz.:

H. Res. 20. Resolution authorizing Ada Hathaway to sue the Commonwealth of Kentucky and the State Highway Commission.

Said resolution is as follows, viz.:

WHEREAS, on the 12th day of August, 1937, at or about the hour of 9:45 A. M., about two miles northwest of Shelbyville, Kentucky, on the public highway between Shelbyville and Louisville, Kentucky, in a collision between a truck owned by the State of Kentucky, then being operated, managed, and controlled and used by an employee of the State Highway Commission of the Commonwealth of Kentucky in the performance of his duties on the State Highway between Louisville and Shelbyville, and an automobile owned and operated by Sam Etherly, in which Ada Hathaway was traveling as a passenger, Ada Hathaway was injured, and

WHEREAS, Ada Hathaway sustained serious and permanent injuries by reason of alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the business of the State of Kentucky.

Now, in order that Ada Hathaway may have her "Day in Court" to determine by judicial action the question of negligence, if any, of the employees of the State Highway Com-

mission of the State of Kentucky, causing said injuries aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ada Hathaway, in her own right and name, be and she is hereby empowered and authorized to file and prosecute appropriate actions against the Commonwealth of Kentucky and the State Highway Commission, or either for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such injuries, if any there be; and in the event any judgment in either action is recovered by said Ada Hathaway, or same are compromised or settled, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other Civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

§ 3. Said actions may be brought in any county of Kentucky having jurisdiction of the parties and subject matter. The limit of liability as to Ada Hathaway shall be Six Thousand (\$6000.00) Dollars.

H. Res. 21. Resolution authorizing Sallie B. Jones to sue the Commonwealth of Kentucky and the State Highway Commission.

Said resolution is as follows, viz.:

WHEREAS, on the 12th day of August, 1937, at or about the hour of 9:45 A. M., about two miles northwest of Shelbyville, Kentucky, on the public highway between Shelbyville and Louisville, Kentucky, in a collision between a truck owned by the State of Kentucky, then being operated, managed and

controlled and used by an employee of the State Highway Commission of the Commonwealth of Kentucky in the performance of his duties on the State Highway between Louisville and Shelbyville, and an automobile owned and operated by Sam Etherly in which Sallie B. Jones was travelling as a passenger, Sallie B. Jones was injured, and

WHEREAS, Sallie B. Jones sustained serious and permanent injuries by reason of alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the business of the State of Kentucky.

NOW, in order that Sallie B. Jones may have her "Day in Court" to determine by judicial action the question of negligence, if any, of the employees of the State Highway Commission of the State of Kentucky, causing said injuries aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sallie B. Jones, in her own right and name, be and she is hereby empowered and authorized to file and prosecute appropriate actions against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky, and the State Highway Commission, or either, for such injuries, if any there be; and in the event any judgment in either action is recovered by said Sallie B. Jones, or same are compromised or settled, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

§ 3. Said actions may be brought in any county of Kentucky having jurisdiction of the parties and subject matter.

The limit of liability as to Sallie B. Jones shall be Six Thousand (\$6000.00) Dollars.

H. Res. 22. Resolution authorizing Fannie B. Anderson to sue the Commonwealth of Kentucky and the State Highway Commission.

Said resolution is as follows, viz.:

WHEREAS, on the 12th day of August, 1937, at or about the hour of 9:45 A. M., about two miles northwest of Shelbyville, Kentucky, on the public highway between Shelbyville and Louisville, Kentucky, in a collision between a truck owned by the State of Kentucky, then being operated, managed, and controlled and used by an employee of the State Highway Commission of the Commonwealth of Kentucky in the performance of his duties on the State Highway between Louisville and Shelbyville, and an automobile owned and operated by Sam Etherly in which Fannie B. Anderson was travelling as a passenger, Fannie B. Anderson was injured, and

WHEREAS, Fannie B. Anderson sustained serious and permanent injuries by reason of alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the business of the State of Kentucky.

NOW, in order that Fannie B. Anderson may have her "Day in Court" to determine by judicial action the question of negligence, if any, of the employees of the State Highway Commission of the State of Kentucky, causing said injuries aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Fannie B. Anderson, in her own right name, be and she is hereby empowered and authorized to file and prosecute appropriate actions, against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth

of Kentucky and the State Highway Commission, or either, for such injuries, if any there be; and in the event any judgment in either action is recovered by said Fannie B. Anderson, or same are compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other Civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

§ 3. Said actions may be brought in any county of Kentucky having jurisdiction of the parties and subject matter. The limit of liability as to Fannie B. Anderson shall be Six Thousand (\$6000.00) Dollars.

H. Res. 60. Joint resolution providing for furnishing Kentucky Directory.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian is hereby authorized and directed to purchase at not exceeding two dollars per copy five hundred and fifty copies of the book entitled "Kentucky Directory 1938" for the use of the Courts, state and county officers and members of the General Assembly. The Librarian will furnish the members of the General Assembly and such officers as may be designated by the Presiding officers of the respective Houses a copy of same and will furnish the state officials with copies thereof and will send a copy thereof to the Clerk of the County Court of each county in the state to be kept in his office. The Librarian will furnish to the Librarian of each state and territory of the union a copy of said book in exchange for similar books for such state and territory, and a copy to the Librarian of Congress, and deliver to the

Secretary of State fifty copies to exchange. The expense to be charged and paid out of the general revenue fund.

§ 2. It being necessary that the officers should have the books herein provided for, an emergency is declared and this resolution shall take effect upon its adoption and approved by the Governor.

H. Res. 64. Resolution providing for the payment of certain claims due the parties whose names are set out herein and for the amounts set opposite their names, said claims being against the Commonwealth of Kentucky and have not been paid because said claims were not filed with the various departments or agencies of the government of this State at a time when there were sufficient funds in the appropriation to said departments to pay said claims and making an appropriation therefor, in the total sum of \$15,392.02.

Said resolution is as follows, viz.:

WHEREAS, the following named persons have claims against the Commonwealth of Kentucky for the amounts set opposite their names as follows:

T. M. Crutcher Dental Depot, Louisville, Kentucky, \$11.25, Welfare.

Peaslee Gaulbert Corporation, Louisville, Kentucky, \$745.61, Welfare & Div. P. & P. P.

Frankfort Builders Supply Co., Frankfort, Kentucky, \$18.00, Welfare.

Black Motor Company, Harlan, Kentucky, \$10.93, Dept. Mines.

Cupples-Hesse, St. Louis, Mo., \$9.08, Div. Purchases.

John R. Sower Hardware, Frankfort, Ky., \$63.48, Secretary State.

U. S. Chemical & Exterminating, Louisville, Ky., \$114.00, Welfare.

Goodwin Brothers, Lexington, Ky., \$390.00, Welfare.

M. J. Doll Produce Co., Louisville, Kentucky, \$69.20, Welfare.

Ky. Electric Co., Louisville, Kentucky, \$24.56, Welfare.

Louisville Grocery Co., Louisville, Kentucky, \$83.01, Welfare.

H. A. Kraft's Sons, Louisville, Kentucky, \$58.96, Welfare.

McKesson, Peter Neat Co., Louisville, Kentucky, \$28.28, Welfare.

Vetter Produce Co., Louisville, Kentucky, \$24.90, Welfare.

Standard Furnace & Range Co., Louisville, Kentucky, \$66.45, Welfare.

Carter Dry Goods Co., Louisville, Kentucky, \$33.29, Welfare.

Belknap Hardware Co., Louisville, Kentucky, \$34.35, Welfare.

Armour & Company, Lexington, Kentucky, \$99.00, Welfare.

W. T. Sistrunk & Co., Lexington, Kentucky, \$938.89, Welfare.

J. E. M. Milling Co., Frankfort, Kentucky, \$56.50, Welfare.

Grocer's Baking Co., Lexington, Kentucky, \$339.31, Welfare.

W. T. Sistrunk & Co., Lexington, Kentucky, \$1,135.24, Welfare.

Office Equipment Co., Louisville, Kentucky, \$187.00, Welfare.

Frankfort Motor Sales, Frankfort, Kentucky, \$1.15, Welfare.

Addressograph Sales Co., Louisville, Kentucky, \$95.50, Welfare.

Addressograph Sales Co., Louisville, Kentucky, \$70.00, Welfare.

Blanton Stone Company, Frankfort, Kentucky, \$20.10, Welfare.

Spool Cotton Company, New York City, \$39.90, Welfare.

Spool Cotton Company, New York City, \$63.90, Welfare.

Spool Cotton Company, New York City, \$3.99, Welfare.

Frankfort Ice & Coal Co., Frankfort, Kentucky, \$18.00, Welfare.

Gulf Refining Company, Eddyville, Kentucky, \$45.55, Welfare.

Mrs. W. T. Gregory, Eddyville, Kentucky, \$46.80, Welfare.

Anheuser Bush, Eddyville, Kentucky, \$59.40, Welfare.

Gulf Refining Company, Frankfort, Kentucky, \$11.88, Welfare.

Gulf Refining Company, Frankfort, Kentucky, \$51.80, Welfare.

Gulf Refining Company, Frankfort, Kentucky, \$37.40, Welfare.

Cecil C. Harp, Frankfort, Kentucky, \$383.50, Welfare.

Harriet Cleek, R. N., Lexington, Ky., \$15.00, Welfare.

Chemical Supply Co., Louisville, Ky., \$82.50, Welfare.

LaGrew's, Inc., \$23.50, Welfare.

J. K. Whitt, Jailer, Prestonsburg, Ky., \$624.00, Welfare.

R. K. Crain, Jailer, Danville, Kentucky, \$1,313.00, Welfare.

J. H. Reed, Lexington, Ky., \$16.35, Welfare.

W. Jess Buchanan, Eddyville, Ky., \$5.85, Welfare.

Roger P. Whitten, Eddyville, Ky., \$30.70, Welfare.

C. R. Logan, Eddyville, Ky., \$113.25, Welfare.

Elmus Beale, Murray, Kentucky, \$48.20, Welfare.

Chemical Construction Co., Memphis, Tenn., \$1,627.50, Welfare.

Beatrice Young, R. N., Lexington, Kentucky, \$5.00, Welfare.

Benson Valley Milling Co., Frankfort, Ky., \$10.50, Welfare.

Troy C. Combs, Jailer, Hazard, Kentucky, \$592.00, Welfare.

Alenite Company of O. Valley, \$76.67, Welfare.

Lynch Construction Co.,	\$192.62, Welfare.
Frey Planing Mill Company,	\$87.09, Welfare.
Clyde Lassiter,	\$10.00, Welfare.
Martin L. Brodie,	\$60.00, Welfare.
Joe M. Brown,	\$60.00, Welfare.
Grant Phillips,	\$25.00, Welfare.
Clifton Stanley,	\$20.00, Welfare.
Rue Clevenger,	\$20.00, Welfare.
Vernon Sanders,	\$20.00, Welfare.
Gene Dye,	\$20.00, Welfare.
Willie Kenney,	\$20.00, Welfare.
W. Jeff Hammond,	\$953.80, Welfare.
Frankfort Motor Sales,	\$4.35, Welfare.
Tom Pig's Cafe,	\$8.80, Welfare.
Armour & Company,	\$2.80, Welfare.
Broadway Grocery Company,	\$10.19, Welfare.
Given's Cafe,	\$53.55, Welfare.
Ebner Drug Inc.,	\$2.77, Welfare.
Capital Hotel,	\$54.72, Welfare.
T. M. Crutcher Dental Depot,	Louisville, Ky., \$13.65, Welfare.
Cupples-Hesse Envelope,	St. Louis, Mo., \$45.41, Welfare.
Plumbers Supply Company,	Louisville, Ky., \$17.83, Welfare.
Nashville Coal Co.,	Louisville, Ky., \$1,090.08, Welfare.
Stearns Coal & Lumber Co.,	Stearns, Ky., \$2,425.08, Welfare.
W. L. Trabue, D. D. S.,	Hopkinsville, Ky., \$100.00, Welfare.
Total	\$15,392.02

WHEREAS, all of these claims are for services rendered to the Commonwealth of Kentucky and to the departments of the State of Kentucky as set opposite their names, and

WHEREAS, at the time the said bills were contracted by the departments there was an emergency and there was a

sufficient sum in the appropriation of said departments at said time to pay said claims, but before the claims were presented to the departments, the fiscal year in which the said indebtedness was contracted had ended and the appropriation of said department was either exhausted or had reverted to the general fund, now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the general fund the sum of fifteen thousand, three hundred and ninety-two dollars and two cents (\$15,392.02) for the purpose of paying the claims of the parties herein named in the amounts set opposite their names which sums were contracted by the departments of state as set opposite the amounts and names of the parties herein.

§ 2. That said claims shall be audited by the Auditor of Public Accounts and paid out of the appropriation herein made and the Auditor of Public Accounts when he has audited said claims as to their correctness, will draw his warrant upon the State Treasurer in the name of the parties herein set out and for the amounts set opposite their names, and the Treasurer upon receipt of said warrant will issue his check to the parties for the respective amounts due them as herein set out.

H. Res. 66. Resolution authorizing the payment to G. L. Langdon, former Sheriff of Clay County, Kentucky, the sum of \$329.00 representing moneys spent by him in payment of jury claims which were later disallowed by the Auditor.

Said resolution is as follows, viz.:

WHEREAS, at the April Term 1932 of the Clay Circuit Court it was necessary to obtain six (6) additional jurors for the transaction of the business of the court, and

WHEREAS, G. L. Langdon, then Sheriff of Clay County, Kentucky, did in good faith purchase from the said six per-

sons, White Hall, Luther Woods, Merida Couch, Jesse Rice, Mrs. Arch Roberts, and, upon their proper endorsement, the jury claims issued to them, aggregating a total of THREE HUNDRED TWENTY-NINE DOLLARS (\$329.00), and

WHEREAS, when the claims of the aforesaid six jurors were presented to the Auditor for payment he refused to allow the said claims because, as he claimed, there were too many jurors at that term of the court, and

WHEREAS, the said Sheriff, G. L. Langdon, did in good faith expend the sum of three hundred twenty-nine dollars expecting that the Commonwealth would pay these jury claims as others are paid, according to law,

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for the sum of THREE HUNDRED TWENTY-NINE DOLLARS (\$329.00) payable to G. L. Langdon, as compensation for moneys expended by him in purchasing jury claims in good faith from White Hall, Luther Woods, Merida Couch, Jesse Rice, Mrs. Arch Roberts and

H. Res. 68. A joint resolution, appropriating from the General Fund of the State of Kentucky the sum of \$70.00 for payment of claims ordered and issued to the Honorable C. D. Houchins, Judge of the Edmonson County Court, by the Edmonson Circuit Court.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky that:

There be and is hereby appropriated from the General Fund of the State of Kentucky the sum of Seventy Dollars

(\$70.00) for the purpose of paying Judge C. D. Houchins' fees for services for holding examining trials ordered and issued by the Edmonson Circuit Court:

2/22/34	Estil Jones et al., charged with murder, for which they were indicted.....	\$2.00
3/21/34	Jack Murray, false swearing.....	2.00
4/ 2/34	John Wingfield, charged with murder.....	2.00
5/25/34	Ben Dowel, charged with cold check above \$20.00	2.00
6/16/34	Ulis Basham, charged with murder.....	2.00
6/16/34	Floyd Basham, charged with murder.....	2.00
7/15/34	Stanly Vincent, housebreaking.....	2.00
7/15/34	Leslie Houchins and Walter Lindsey, banding and confederating.....	2.00
8/24/34	Woodrow Vincent, cutting and wounding with intent to kill.....	2.00
7/25/34	Kirby Houchin, Ray Houchin, storehouse breaking	2.00
9/24/34	Ted Gipson, striking with intent to kill.....	2.00
10/23/34	Orland Monroe, deserting infant children.....	2.00
10/24/34	Eula Sanders, striking and wounding with a deadly weapon.....	2.00
10/30/34	Malcolmn Barron, grand larceny.....	2.00
10/30/34	Franklyn Clark, grand larceny.....	2.00
11/ 2/34	Paul Houchin, horse stealing.....	2.00
11/ 6/34	Shelby Basham, cutting and wounding with intent to kill.....	2.00
11/ 6/34	Dunk Basham, aiding and abetting another with intent to kill.....	2.00
12/10/34	Dellard Saltsman, murder.....	2.00
1/ 7/34	Homer Scruggs, charged with forgery.....	2.00
2/ 4/35	Frank Wells, charged with grand larceny.....	2.00
3/18/35	Floyd Basham, Dewey Raymer, banding and confederating.....	2.00

3/18/35	Amos McGrew, Howard Vincent, grand larceny	2.00
3/ 6/35	Fount Hardin, shooting at another with intent to kill.....	2.00
5/ 7/35	Albert Conway, murder.....	2.00
5/11/35	Myrtle Coats, murder.....	2.00
5/12/35	Garvin Gus Coats, murder.....	2.00
8/ 2/35	Bill Ball Brooks, hog stealing.....	2.00
12/ 2/35	Allen Norris, forgery.....	2.00
12/ 3/35	Alberta Brunty, seduction under the promise of marriage.....	2.00
1/ 3/36	Walter Lindsey, seduction under the promise of marriage.....	2.00
4/15/36	Dewey Raymer, arson.....	2.00
10/ 6/36	Lena Coats, shooting and wounding with intent to kill.....	2.00
10/22/36	Collie James, Carmen Mills, et al.....	2.00
11/12/36	Fonce Gipson, shooting and wounding with intent to kill.....	2.00
TOTAL.....		\$70.00

That the State Auditor be authorized and directed to draw warrant for said amount, payable to the said C. D. Houchins from the said fund.

H. Res. 69. Whereas, in January, February and March, 1937, Bruce Peters, while a private in Company F, 149th Infantry, was called for duty in Shelbyville, Shelby County, in Frankfort, Franklin County, was unduly and beyond the limits of human endurance, was negligently exposed to water, wind, cold and thereby contracted permanent ill health and diseases for which he is duly advised by his physician there is no recovery.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Bruce Peters, a citizen and resident of Owsley County, Kentucky, be empowered and authorized to file suit against the Commonwealth of Kentucky for such damage if any there be arising from his negligence unusual exposure, causing him to be a permanent invalid and in event there is recovery or if same is compromised or settled, a judgment or amount agreed on shall be paid by the Auditor of Public Accounts by a warrant on the State Treasurer and paid out of the general funds.

§ 2. Said action may be brought in any county having jurisdiction of the parties and the subject matter. Either party to any suit may appeal from any judgment that may be entered therein as in any other civil suit and the case may be settled and adjusted, with the consent and approval of the Attorney General of Kentucky the same way as in any other civil case.

H. Res. 72. Resolution authorizing and permitting Omelia Bowen Murphy to sue the Commonwealth of Kentucky and the Kentucky State Industrial College, or either of them, and the Statute of Limitation not to apply until and from the passage of this resolution.

Said resolution is as follows, viz.:

WHEREAS, on December thirteen (13), One thousand nine hundred twenty-six (1926), the dormitory for girls at the Kentucky State Industrial College for Colored persons near Frankfort, Kentucky, was destroyed by fire, and

WHEREAS, Omelia Bowen Murphy, was severely, painfully and permanently injured on and about the shoulders, arms, legs, hands and body, and

WHEREAS, it is claimed that the said fire was entirely caused through and by the gross negligence and gross care-

lessness of the agents, servants and employees of the said Kentucky State Industrial College in the operation of the said institution which is managed, controlled and supported by the Commonwealth of Kentucky, and

WHEREAS, Omelia Bowen Murphy, sustained said serious, permanent and painful injuries because of the alleged carelessness and negligence of the said employees while in the discharge and conduct of the operation of the said state institution for and on behalf of the Commonwealth of Kentucky; Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Omelia Bowen Murphy be and she is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Kentucky State Industrial College or either in the Circuit Court of Franklin County, Kentucky, for such damages as she may have suffered, if any, by reason of any injuries received by her through the carelessness or negligence of the Kentucky State Industrial College, its agents, or employees. Said suit shall be for any amount not exceeding the sum of Ten Thousand (\$10,000.00) Dollars, and in the event any judgment is recovered by said Omelia Bowen Murphy in said suit for injuries to herself, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasury and paid out of the general fund.

Either party to said suit may appeal from the judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent and approval of the Attorney-General of Kentucky in the same way as any other civil suit, and the Statute of Limitation not to apply until and from the passage of this resolution.

H. Res. 73. Resolution authorizing Leo Caproni of Maysville, Kentucky, to sue the Department of Highways of

the Commonwealth of Kentucky and the Commonwealth of Kentucky, or either of both of them, for damages, and providing for payment of the judgment if any judgment is obtained.

Said resolution is as follows, viz.:

WHEREAS, on or about October 31, 1933, a truck owned and operated by the State Highway Commission of Kentucky (now Department of Highways of the Commonwealth of Kentucky) collided with a truck owned by Leo Caproni, on a public highway near Vanceburg, Lewis County, Kentucky, and

WHEREAS, the said Leo Caproni claims that the driver of the truck owned by him without fault or negligence in said collision and that the accident was the result of the gross carelessness and negligence of the driver of the truck owned and operated by the State Highway Commission of Kentucky, and

WHEREAS, the said Leo Caproni claims that as the direct and proximate result of said accident and collision he sustained damages to his truck and to merchandise or property carried upon said truck in the amount of approximately \$1,000.00, and

WHEREAS, in the judgment of the General Assembly of the Commonwealth of Kentucky the said Leo Caproni should be permitted to maintain a suit against the Department of Highways of the Commonwealth of Kentucky and/or the Commonwealth of Kentucky, to recover said damages, if it be established that said accident and the resulting damages were the direct and proximate result of the carelessness or negligence of the driver of the truck owned and operated by the State Highway Commission of Kentucky,

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Leo Caproni be and he hereby is authorized, empowered and permitted to sue the Department of Highways (formerly State Highway Commission) of the Common-

wealth of Kentucky and the Commonwealth of Kentucky, or either or both of them, in the Lewis Circuit Court or in the Franklin Circuit Court, as he may elect, for such damages as he may have sustained, if any, by reason of the aforesaid accident and collision, and in such suit he shall be permitted to show all the facts and circumstances as to whether or not the employees or any employee of the State Highway Commission of Kentucky was negligent in the operation of said truck, and if the jury shall decide that there was negligence on the part of any such employee of said State Highway Commission and that as the direct and proximate result thereof said collision and the resulting damages occurred then the said Leo Caproni may recover from the Commonwealth of Kentucky and/or the Department of Highways of the Commonwealth of Kentucky, such sum as will fairly and reasonably compensate him for such damages, including court costs, the whole amount, however, not to exceed the sum of \$1,000.00. In the event a judgment is recovered in such suit by the said Leo Caproni the amount thereof shall be paid out of the State Road Fund in the same manner as other valid debts and obligations of the Department of Highways are paid. The Department of Highways, with the approval of the Attorney General, may compromise and settle said claim, either before or after the filing of suit, upon such terms as may be agreed.

The Department of Highways of the Commonwealth of Kentucky, the Commonwealth of Kentucky, and the said Leo Caproni, or either of them, shall have the right of appeal from any judgment of the Circuit Court as in any other civil case.

H. Res. 74. Joint resolution authorizing and directing payment of the sum of \$1,430.00 to Brooks Hargrove, Chief Clerk of the House of Representatives of the General Assembly of the State of Kentucky, and the sum of \$880.00 to Marshall Barnes, Assistant Clerk of the House of Representatives

of the General Assembly of the State of Kentucky, representing the amounts due them for services rendered in 1937 proof reading copies for journals of the 1936 regular session and three 1936 special sessions and one special session of 1936-1937.

Said resolution is as follows, viz.:

WHEREAS, the Honorable Brooks Hargrove, Chief Clerk of the House of Representatives of the General Assembly rendered services for which he is entitled to the sum of one thousand four hundred and thirty dollars (\$1,430.00) pursuant to Section one thousand nine hundred and ninety-one (1991) of the Statutes, and

WHEREAS, the Honorable Marshall Barnes, Assistant Clerk of the House of Representatives of the General Assembly rendered services amounting to eight hundred and eighty dollars (\$880.00) pursuant to Section 1889a-2 and to Section 1991 of the Statutes, and

WHEREAS, the Auditor of Public Accounts has refused to pay these according to his construction of said Section, which was contrary to the construction of the Attorney General's office, and

WHEREAS, said amounts are just and due and owing to said Clerk and Assistant Clerk, Now Therefore,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the sum of one thousand four hundred and thirty dollars (\$1,430.00) be and the same is hereby appropriated out of the Legislative Expense Fund to be paid to the said Brooks Hargrove; and the sum of eight hundred and eighty dollars (\$880.00) be and the same is hereby appropriated out of the said Legislative Fund to be paid to the said Marshall Barnes; and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for the aforesaid sums

and to deliver same to the said Brooks Hargrove and Marshall Barnes for the purposes aforesaid.

H. Res. 78. A joint resolution appropriating from the General Fund of the State of Kentucky for the purpose of paying A. H. Boles, Special Bailiff, Monroe Circuit Court, for services to the Commonwealth, by bringing from outside the county, a witness to testify in behalf of the Commonwealth at the regular April term of Court 1930, the sum of \$48.60 with interest.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Whereas, A. H. Boles, Special Bailiff, Monroe Circuit Court delivered from outside the County, a witness to testify in said court in behalf of the Commonwealth; and,

WHEREAS, the said Court allowed him an expense account of \$48.60 for his services, which account is shown in the State Auditor's Book; and,

WHEREAS, though he has not collected it, it is a just and honest debt owed to the said A. H. Boles by the State of Kentucky

NOW BE IT RESOLVED that there be, and is hereby appropriated out of the General Fund of the State of Kentucky, the sum of \$48.60, with interest for the purpose of paying said A. H. Boles for said services, and the Auditor is authorized and directed to draw a warrant on the General Fund for the above named purpose.

H. Res. 79. Whereas, the present employees and officers of the General Assembly have rendered faithful service during all sessions of the General Assembly, meeting in regular session, during the year 1938, and

WHEREAS, the General Assembly, in view of the services rendered, deems the compensation allowed by law as provided for in Chapter 88 of the Acts of the General Assembly of 1936, inadequate, etc.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated from the Legislative Session Fund as additional compensation, for the employees and officers of the Senate and the House of Representatives, to that compensation provided in Chapter 88 of the Acts of the General Assembly of 1936, the sum of Seven thousand one hundred thirty-three (\$7,133.00) dollars.

§ 2. That the Chief Clerk of the Senate shall requisition and the Commissioner of Finance shall approve, and the Auditor of Public Accounts shall draw a warrant, for the sum of Two Thousand six hundred and twenty-two dollars (\$2,622.00) on the Treasury of the Commonwealth of Kentucky in favor of the Chief Clerk of the Senate. Such Chief Clerk shall forthwith distribute to the employees and officers of the Senate such funds on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in the year 1938, the rate per day to be computed by said Chief Clerk and the presiding officer of the Senate on a pro rata basis of the amounts authorized to be paid them by Chapter 88 of the Acts of the General Assembly of 1936.

§ 3. The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall approve, and the Auditor of Public Accounts shall draw a warrant, for the sum of four thousand five hundred eleven (\$4,511.00) dollars on the Treasury of the Commonwealth of Kentucky in favor of the Chief Clerk of the House of Representatives. Such Chief Clerk shall forthwith distribute

to the employees and officers of the House of Representatives such funds on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in the year 1938. The rate per day to be computed by said Chief Clerk and the presiding officer of the House of Representatives on a pro rata basis of the amounts authorized to be paid them by Chapter 88 of the Acts of the General Assembly of 1936.

§ 4. All Acts or parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

§ 5. Whereas, the General Assembly will within a short time adjourn and the employees and officers will depart to various sections of the State, an emergency is hereby declared to exist, and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

H. Res. 80. Resolution for the benefit of Ben Haskey, Kaley Barker, Zeysing Allen, John H. Twyman, Thomas Moon, Ada O'Nan, Hilton King, Lester E. Moore, Norman Kirk, John Tackett, Jane Collins, Mrs. Jessie Lyons and Mrs. Stella Shields.

Said resolution is as follows, viz.:

WHEREAS, the above named employees have had their work materially increased during the session of the present Assembly of the Commonwealth of Kentucky and have worked overtime to keep the State Capitol clean for said session, and declaring an emergency to exist,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby set aside from the legislative expense fund the sum of Two Hundred and Sixty (\$260.00) Dollars.

That said Ben Haskey, Kaley Barker, Zeysing Allen, John H. Twyman, Thomas Moon, Ada O'Nan, Hilton King,

Lester E. Moore, Norman Kirk and John Tackett, Jane Collins, Mrs. Jessie Lyons and Mrs. Stella Shields, be each allowed the sum of Twenty (\$20.00) Dollars, which allowance shall be in addition to what they now receive for their services as above set out.

The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall approve, and the Auditor of Public Accounts shall draw a warrant on the State Treasurer for the above set out compensation in favor of the above named state employees.

Whereas, the General Assembly will within a short time adjourn and said employees are in need of the money provided for in this act and it is the desire of the General Assembly that they be paid immediately upon the passage of this act and its approval by the Governor, an emergency is hereby declared to exist.

H. Res. 81. Joint resolution authorizing George Luttrell and his wife Nora Luttrell to sue the Commonwealth of Kentucky, the Department of Highways both or either.

Said resolution is as follows, viz.:

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky; the Senate concurring therein, that

WHEREAS, George Luttrell and Nora Luttrell, his wife, are owners of a tract of land in Edmonson County Kentucky, claim that their property has been damaged by blasting done at the state quarry operated by the State Highway Commission in Edmonson County, and

BE IT RESOLVED THAT George Luttrell and his wife, Nora Luttrell are hereby authorized to enter suit in the Edmonson Circuit Court against the Commonwealth of Kentucky, its Department of Highways, both or either in the option of said claimants, both or either, as they want, for dam-

ages to their property from blasting as set out hereinabove and in the event a judgment is recovered the losing party may appeal to the Court of Appeals and in the event of a judgment in their favor or if said suit is settled or compromised same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasury out of the Highway Fund.

H. B. 67. An act to regulate the display and sale of tobacco on loose leaf floors.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In all loose leaf tobacco warehouses in Kentucky where tobacco is offered for sale, any seller who has rejected the sale of a basket or baskets of tobacco shall have the right to move the said basket or baskets to any vacant space in the warehouse, which is used for the display and sale of tobacco, and may offer the said basket or baskets for sale on the same day as the rejected bid was made, if such space be available.

The provisions of this Act shall only apply to the growers of the tobacco mentioned in this bill.

H. B. 212. An act to repeal sections thirty-seven-thirteen (37-13), forty-two (42), Forty-two c-three (42c-3), forty-two e-one (42e-1) and sixty-three c-twenty-one (63c-21) of Carroll's Kentucky Statutes, Baldwin's one thousand nine hundred thirty (1930) Revision, and section forty-two e-five (42e-5) of Carroll's Kentucky Statutes, Baldwin's one thousand nine hundred thirty-three (1933) Supplement.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sections thirty-seven-thirteen (37-13), forty-two

(42), forty-two c-three (42c-3), forty-two e-one (42e-1) and sixty-three c-twenty-one (63c-21) of Carroll's Kentucky Statutes, Baldwin's one thousand nine hundred thirty (1930) Revision, and section forty-two e-five (42e-5) of Carroll's Kentucky Statutes, Baldwin's one Thousand nine hundred thirty-three (1933) Supplement, be and the same are hereby repealed.

H. B. 234. An act relating to Highway Patrol conferring powers of peace officers upon Highway Patrolmen; providing for oath and bond of such patrolmen.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Powers, Duties and Jurisdiction of Highway Patrolmen.* State Highway Patrolmen as provided for in sections 2739g-97 and 4618-99 of Carroll's Kentucky Statutes, 1936 edition, when commissioned, are hereby declared to be peace officers and conservators of the public peace whose duties are to conserve the peace, enforce all laws and preserve order and are hereby given the same right and vested with the same power to arrest, search and seize as is now given by law to sheriffs and other peace officers of this Commonwealth, and they shall be at all times subject to the call of the Governor of this Commonwealth. The members of such Highway Patrol shall have jurisdiction co-extensive with the boundaries of the Commonwealth but shall not have power to serve subpoenas, summonses or notices in civil cases, except in cases in which the Commonwealth or some agency or institution thereof is a party.

§ 2. *Oath and Bond of Patrolmen.* Each member of the State Highway Patrol, before entering upon his duties, or continuing in the performance of his duties after the effective date of this Act, shall, pursuant to the provisions of sections 3751 et sequitur, of Carroll's Kentucky Statutes, 1936 edition,

take an oath and execute a bond with a good and solvent corporate surety, authorized to do business in this Commonwealth, in the penal sum of five thousand dollars (\$5,000) faithfully to perform the duties of his office. The premiums on such bonds shall be paid from the appropriation provided for the maintenance of the Division of Highway Patrol in the Department of Highways.

H. B. 311. An act providing the manner, method and means of giving notice to the owner or owners of any garment or clothing or wearing apparel or household goods for the purpose of enforcing the common law lien for services or labor rendered by persons, firms, partnerships or corporations, engaged in and conducting a business of dry cleaning or pressing or dyeing or glazing or laundering or washing or altering or repairing or storing of any and all garments, clothing, wearing apparel or household goods and providing a sale of said articles not claimed after certain periods of time.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. This act shall be known as "*An Act providing a manner, means and method of given notice to enforce common law lien of cleaners, pressers, dyers, laundries, tailors and storers of all garments, clothing, wearing apparel and household goods.*"

§ 2. *Sale of garments, clothing, wearing apparel and household goods; for charges; after 90 days.* Any garment, clothing, wearing apparel or household goods remaining in the possession of a person, firm, partnership or corporation, on which cleaning or pressing or glazing or laundering or washing or alterations or repairs have been made; or on which materials or supplies have been furnished for alterations or repairs; for a period of ninety days or more may be sold to pay the reasonable or agreed charges and costs of

notifying the owners or owner. Provided that the person, firm, partnership or corporation to whom the charges are payable shall first notify the owner or owners of the time and place of sale. There is excepted herefrom all property that is to be placed in storage after any of the services or labors, mentioned herein are performed or rendered.

§ 3. *Storage: Sale Of: After 12 Months.* All garments, clothing, wearing apparel or household goods having been placed in storage, or on which any of the services or labors mentioned in the preceding section of this act have been performed and then placed in storage and remaining in the possession of a person, firm, partnership or corporation without the reasonable or agreed charges having been paid for a period of 12 months, may be sold to pay said charges. Provided that the person, firm, partnership or corporation to whom the charges are payable, shall first notify the owner or owners thereof of the time and place of sale. Provided, however, that persons, firms, partnerships or corporations operating as warehouses or warehousemen under Kentucky Statutes 4768 to 4814c-3 inclusive shall be excluded from this Act.

§ 4. *Notice. What Is Notice Under This Act. 15 Days Before Sale.* The posting or mailing of a registered letter, with a return address marked thereon, addressed to the owner or owners, at their address given at the time of the delivery of the article or articles to a person, firm, partnership or corporation to render any of the services or labors as set out in this Act, stating the time and place of sale, shall constitute notice. Said notice shall be posted or mailed at least 15 days before the date of sale. The costs of posting or mailing said letter shall be added to the charges.

§ 5. *Proceeds of Sale—How Disposed Of:* The person, firm, partnership or corporation to whom the charges are payable, shall from the proceeds of sale deduct the charges due plus the costs of notifying the owner and shall hold the overplus, if any, subject to the order of the owner and shall immediately thereafter mail to the owner thereof to his ad-

dress, if known, a notice of the sale, the amount of overplus if any, due him, and at any time within 12 months, upon demand by the owner, pay to the owner said sums or overplus in his hands, if such overplus be unclaimed after 12 months it shall be paid into the State Treasury, and shall be held for a period of 2 years, subject to the order of the owner or his personal representative upon his or their satisfactory proof of rightful ownership.

§ 6. *Requirements to Comply With Act.* All persons, firms, partnerships or corporations taking advantage of this act must keep posted in a prominent place in their receiving office or offices at all times two notices which shall read as follows: All articles cleaned, pressed, glazed, laundered, washed, altered or repaired and not called for in 90 days will be sold to pay charges.

All articles stored and charges not having been paid for 12 months will be sold to pay charges.

§ 7. *Constitutionality.* If any section, subsection, paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such holding shall not effect the validity of the remaining sections of this act.

H. B. 314. An act permitting a county board of education to levy a general tax of not more than the maximum levy for county school districts increased by not more than the lowest of the subdistrict levies.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In every county school district where all of the subdistricts thereof levy a special tax, the board of education of the county district may, in its option, abolish all of the special levies of the subdistricts and in lieu of the said special levy and the regular county levy the county board of education may levy a general tax of not more than the maximum levy

for county school districts increased by not more than the lowest of the subdistrict levies.

H. B. 348. An act to amend and re-enact Section 1779A-1 of Carroll's Kentucky Statutes, annotated, Baldwin's 1936 Revision, which section is a part of Chapter 47 Article 18, relating to fees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1779A-1 of Carroll's Kentucky Statutes, Annotated, Baldwin's 1936 Revision, which section is a part of Chapter 47 Article 18, relating to fees, be amended and re-enacted so that said section as amended and re-enacted shall read as follows:

Section 1779A-1.—That the Sheriff of each county having an assessed value of more than one hundred million dollars and in which there is located a city of second class, and which county comprises a separate judicial district shall be paid salary of five thousand dollars (\$5,000.00) per annum. The Sheriff shall be permitted to appoint such deputies and clerical assistants, subject to the approval of the fiscal court of said county, as may be necessary for the proper performances of the duties of the office. The said sheriff with the approval of said court, shall fix the salaries of such deputies and clerical assistants but the salaries of such deputies and clerical assistants shall not in any year exceed the sum of Twenty Thousand (\$20,000.00) Dollars. The fiscal court is authorized to pay all the necessary expenses incident to the proper performance of the duties of the office of the Sheriff, including the premium on his revenue bond, all of which expenses shall not in any year exceed the sum of Five Thousand (\$5,000.00) Dollars.

The Sheriff shall be required at the end of each month

to furnish to the fiscal court a sworn statement of all receipts and disbursements and a sworn statement of the necessary expenses of the office during the preceding month, and shall pay to the treasurer of the county the total amount collected by him. The fiscal court shall pay to the sheriff, his deputies and clerical assistants the annual salaries in monthly installments out of the general expense fund and if approved shall pay to the sheriff the expenses incurred by him during the preceding month.

H. B. 355. An act to amend and re-enact subsections five (5) and nine (9) of Section 1083-a of Carroll's Kentucky Statutes, relating to the administration of justice in courts of justices of the peace in counties having a population in excess of two hundred fifty thousand (250,000), by providing for the issuance of certain processes, notices, subpoenae and releases and the attestation of copies of matter of record by the recorders for the said courts; for the payment of the salaries provided by law for the offices of constable in the said counties; requiring the performance of certain additional duties by constables and deputy constables in the said counties including the making of certain reports; providing for the execution of the processes of the courts of justices of the peace in the said counties and fixing the duties of constables and deputy constables relative thereto; and whereas, in the said counties intensive industrial and commercial development and consequent density of population have combined to produce definitely changed conditions of life by reason of which demands upon constables and deputy constables therein are continuous, voluminous and exacting, and by reason of which it is necessary to an efficient administration of justice in courts of justices of the peace in the said counties that the constables and deputy constables therein devote the greater part of their time to the execution of the processes of the said courts and there is not the same need to act as peace officers because of

provision made otherwise by law for other peace officers in such counties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection five (5) of Section 1083-a of Carroll's Kentucky Statutes is amended by adding to the said subsection the following: "To certify by attestation the accuracy of copies of pleading, orders, judgments, proceedings and other matters of record in the court in which the recorders are employed; to issue releases for wages held under garnishment after the allowance of pleas of exemption; to issue all processes, notices and subpoenae which a justice of the peace has power to issue except warrants of arrest, search warrants, commitments, orders of arrest, distress warrants, orders for the delivery of personal property, executions, processes or orders for the release or discharge of any person from custody of confinement, or for the release or discharge of any property under the control or in the possession of the court or any officer except as hereinabove provided, and in addition to the exceptions herein enumerated no recorder or deputy recorder shall admit any person to bail or take any bail or other bond in any criminal or civil action or proceeding. "so that when so amended and re-enacted the said subsection five (5) shall read as follows: It shall be the duty of each recorder, after executing bond as required in section four (4) (K. S. Section 1083-a-4) hereof, to receive for the county the correct amounts of money which, under the provisions of this act become a part of the general fund of the county. Each recorder shall keep such records, in the manner and form as prescribed by the fiscal court as will enable the recorder, and the fiscal court, to ascertain from time to time the correct amounts of money received, or due and not received, for the general fund of the county. Each recorder, and each deputy recorder, shall perform such clerical serv-

ices, under the direction of the justices of the peace, as will assist and enable said justice to promptly dispatch litigation, and such clerical services as will assist and enable the justice to accurately keep such records thereof as are required by law. Recorders and deputy recorders shall have the power to administer oaths; to certify by attestation the accuracy of copies of pleadings, orders, judgments, proceedings and other matters of record in the court in which the recorders are employed; to issue releases for wages held under garnishment after the allowances of pleas of exemption; to issue all processes, notices and subpoenæ which a justice of the peace has power to issue except warrants of arrest, search warrants, commitments, orders of arrest, distress warrants, orders for the delivery of personal property, executions, processes or orders for the release or discharge of any person from custody or confinement, or for the release or discharge of any property under the control or in the possession of the court or any officer except as hereinabove provided, and, in addition to the exceptions herein enumerated no recorder or deputy recorder shall admit any person to bail or take any bail or other bond in any criminal or civil action or proceeding.

§ 2. That subsection nine (9) of Section 1083-a of Carroll's Kentucky statutes is amended by striking from the eighteenth line thereof the words "constable or," which words now appear in the proviso of the said subsection immediately following the words "provided, however, that in no event shall any," and immediately preceding the words "deputy constable for any month," and by striking from the twentieth and twenty-first lines thereof the words "constable or," which words now appear in the proviso of the said subsection immediately following the words "deputy constable, pursuant to section (2)" and by adding to the said subsection the following:

"The constables elected in the counties in which this act is effective shall, in addition to the duties otherwise required of them by law, promptly attend the sessions of the justices'

courts held in their respective districts, act as bailiffs of the said courts, preserve order in and near the court rooms, and perform such other services incident to the speedy and orderly administration of the court's business as may be required by the justice of the peace, and shall execute or cause the timely execution of, and shall supervise and expedite the execution of the processes and orders of the justices' courts of their respective districts in particular, and of all the justices' courts of the county in general.

On or before the tenth day of each calendar month each constable shall report to the justice of the peace of the same district relative to the performance of the duties of office by himself and his deputies during the next preceding calendar month. Each monthly report shall contain, under the heading of court attendants, a statement showing the dates of the sessions of court attended by the constable and the number of hours he was in attendance upon each date. Each monthly report shall also contain, under the heading civil matters, a statement showing the total number of each kind of civil processes and orders received, the total number of each returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of criminal matters, a list of the names and addresses of all persons for whom warrants of arrest have been obtained by the constable and his deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the constable and his deputies for execution noting, the name and address of the person obtaining each warrant, the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his deputies with-

out warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all places for which search warrants have been obtained by the constable and his deputies; noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of other matters, a brief but adequate report upon all other acts of the constable and his deputies performed under authority, or under color of authority, of office. Each monthly report shall be subscribed and sworn to by the constable and such parts thereof as pertain to the acts of his deputies beyond his presence shall be deemed to be sworn to upon information and belief. Each said report shall be entered as a matter of record upon the records of his court by the justice of the peace, who shall cause attested copies therein to be promptly delivered to the county judge, the county attorney, and the attorney for the Commonwealth.

All Acts and parts of Acts in conflict herewith are, to the extent of such conflict, hereby repealed," so that when so amended and re-enacted the said subsection nine (9) of Section 1083-a shall read as follows: Each person hereafter elected or appointed and thereafter holding the office of constable in any of said districts shall be exclusively compensated for the performance of the duties of his office by salary in the sum of twenty-four hundred (\$2400.00) dollars per annum, which shall be paid in equal monthly installments out of the general fund of the county, and each deputy constable similarly appointed and thereafter holding the office of deputy constable, shall be similarly exclusively compensated for the performance of the duties of his office by salary in the sum of twenty-one hundred (\$2100.00) dollars per annum which shall be paid in equal monthly installments, provided, however, that in no event shall the amount paid to any deputy constable for any month exceed the amount paid into the gen-

eral fund of said county by the said deputy constable, pursuant to section (2) (K. S. Section 1083-a-2) hereof, during the preceding month.

The constables elected in the counties in which this act is effective shall, in addition to the duties otherwise required of them by law, promptly attend the sessions of the justices' courts held in their respective districts, act as bailiffs of the said courts, preserve order in and near the court rooms, and perform such other services incident to the speedy and orderly administration of the court's business as may be required by the justice of the peace, and shall execute or cause the timely execution of, and shall supervise and expedite the execution of the processes and orders of the justices' courts of their respective districts in particular, and of all the justices' courts of the county in general.

On or before the tenth day of each calendar month each constable shall report to the justice of the peace of the same district relative to the performance of the duties of office by himself and his deputies during the next preceding calendar month. Each monthly report shall contain, under the heading of court attendance, a statement showing the dates of the sessions of court attended by the constable and the number of hours he was in attendance upon each date. Each monthly report shall also contain, under the heading civil matters, a statement showing the total number of each kind of civil processes and orders received, the total number of each returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of criminal matters, a list of the names and addresses of all persons for whom warrants of arrest have been obtained by the constable and his deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and

delivered to the constable and his deputies for execution, noting the name and address of the person obtaining each warrant, the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his deputies without warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all the places for which search warrants have been obtained by the constable and his deputies, noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of other matters, a brief but adequate report upon all other acts of the constable and his deputies performed under authority, or under color of authority, of office. Each monthly report shall be subscribed and sworn to by the constable and such parts thereof as pertain to the acts of his deputies beyond his presence shall be deemed to be sworn to upon information and belief. Each said report shall be entered as a matter of record upon the records of his court by the justice of the peace, who shall cause attested copies thereof to be promptly delivered to the county judge, the county attorney, and the attorney for the Commonwealth.

The provisions of this act shall be retroactive and shall apply to the present official term of all constables and deputy constables in the said counties, now holding office at the time of the passage and approval hereof.

All acts and parts of acts in conflict herewith are, to the extent of such conflict, hereby repealed.

Any constable who wilfully fails and refuses to perform the duties herein above enumerated or who shall be guilty of misfeasance or malfeasance in office, shall be dealt with and punished in accordance with the provisions of section 3748 of Carroll's Kentucky Statutes of 1922.

H. B. 357. An act to amend Section 4, Article VI of Chapter 22 of the Acts of the General Assembly of 1906, being Section 4108 of Baldwin's 1936 Edition of Carroll's Kentucky Statutes, by providing for the ad valorem taxation of Distilled Spirits by counties, cities and school districts and providing for a special rate of taxation on such spirits in cities of the first class. Permitting of a referendum and fixing the methods thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4 of Article VI of Chapter 22 of the Acts of the General Assembly of 1906, being Section 4108 of Baldwin's 1936 Edition of Carroll's Kentucky Statutes, be and the same is hereby amended to read as follows:

"§ 4108. Values Certified to Auditor and Clerk.—Immediately after finally fixing such values, the board shall certify to the auditor of public accounts the value of the spirits as assessed for state tax; and said officer shall certify to the said county clerk of the respective counties, the amount liable for county, city, town or district taxation, and the date, when the bonded period will expire on such spirits. The report shall be by the county clerk filed in his office, and by him certified to the proper collecting officer of the county, city, town or taxing district for collections.

"Said spirits, in addition to the tax thereon for state purposes, shall be taxed for county purposes, school purposes and town and city purposes at the prevailing rates of taxation on tangible personal property in the respective counties, school districts, towns and cities in which such spirits are warehoused or stored; provided, however, that the combined rate of taxation for city purposes and school purposes in cities of the first class shall not exceed one dollar and twenty five cents (\$1.25) on each one hundred dollars (\$100.00) of assessed value of such spirits."

In event a referendum is desired upon this Act, then such referendum shall be conducted in all things in the manner provided in Chapter eight of the Acts of the General Assembly of One Thousand Nine Hundred and Seventeen.

H. B. 367. An act to amend and re-enact sections 2739j-76, 2739L-11 and 2739L-14. which sections are part of Chapter 88b relating to motor vehicles, Carroll's Kentucky Statutes, Anotated, Baldwin's 1936 Revision.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sections 2739j-76, 2739L-11 and 2739L-14, which sections are part of Chapter 88b relating to motor vehicles, Carroll's Kentucky Statutes, Anotated, Baldwin's 1936 Revision be amended and re-enacted so that such sections when amended and re-enacted shall read as follows:

§ 1. 2739j-76. No certificate or permit shall be issued until there has been filed with and accepted by the Director of Motor Transportation a good and sufficient indemnity bond or insurance policy issued by some surety or insurance company or other insurance carrier, duly authorized to transact business as such with this Commonwealth, which shall provide by such terms, conditions and provisions and in such penal sums or maximum amounts as said Director of Motor Transportation may deem necessary for the reasonable protection of the patrons of the operator of the motor vehicle for hire and of the public in the collection of damages for which the operator may be liable by reason of the operation of any motor vehicle for hire; provided, however, that the bond or insurance policy required of a contract carrier or the operator of a motor vehicle for hire engaged solely in interstate commerce shall not be for the protection of the patrons of the motor carrier; and provided further that no certificate or permit shall be issued until there has been filed with the Director of Motor

Transportation a bond in the penal sum of One Thousand Dollars (\$1,000.00) payable to the Commonwealth of Kentucky, with some surety company qualified to do business in this Commonwealth as surety thereon, conditioned that the applicant shall pay any and all fees, taxes or penalties which may be due under the provisions of this act and for the faithful compliance with all lawful decisions, orders, rules, regulations, demands and requirements of the Director of the Motor Transportation made, rendered issued or promulgated under the provisions of this act. Provided, however, if the Director in his discretion shall deem it necessary, he may require that the amount of the bond to be given shall be increased to an amount not to exceed Five Thousand Dollars (\$5,000.00). No bond or insurance policy may be cancelled or otherwise terminated at any time prior to its expiration for any reason whatever until there have been filed with said Director of Motor Transportation by the surety or indemnity company a notice to such effect at least fifteen (15) days prior to the date of such termination or cancellation. This provision shall be deemed to be a part of every such undertaking, and no other provision thereof, and no agreement between the parties thereto shall operate to void the same. If any such bond or insurance policy shall become inoperative, the authority under the certificate or permit shall cease and be suspended until a bond or insurance policy meeting the requirement of this section shall become effective and be filed with said Director of Motor Transportation.

Provided, however, that in lieu of the bond for One Thousand Dollars (\$1,000.00) provided by this section, any person entitled to a certificate may deposit with the Director of Motor Transportation a certified check payable to the Treasurer of the Commonwealth of Kentucky in an amount to be fixed by the Director of Motor Transportation, which check or checks shall be held by said Director as a guarantee for the protection of the Commonwealth of Kentucky for any fees or taxes due, as provided under this section and act. In the event any

person fails to pay any fees or taxes within fifteen (15) days after same become due, then the Director of Motor Transportation shall have the right to cash said certified check and deduct therefrom any fees or taxes due the Commonwealth, and return to the person depositing with him said certified check any balance, in which event the certificate or permit issued to such person shall be cancelled unless the holder of such certificate or permit files with the said Director of Motor Transportation a new certified check or bond provided by this section.

§ 2. 2739L-11. Before any permit is granted by the Director of Motor Transportation, the operator shall file with said Director a good and sufficient bond with adequate corporate surety, payable to the Commonwealth of Kentucky, which shall bind the obligor therein to pay any final judgment rendered against him arising out of the death of or injury to any passenger or passengers, for loss or damage to property while in transit, or death of or injury to other persons or damage to their property, or any act or omission connected with the operation of motor vehicles by the operator, which bond shall be in the penal sum of Five Thousand Dollars (\$5,000.00) for each motor vehicle operated, for death of or injury to persons, and in the further sum of One Thousand Dollars (\$1,000.00) for each vehicle operated, for damage to property, resulting from the operation of any such motor vehicle.

Instead of such bond, the Director of Motor Transportation may accept and file a policy of insurance issued by any insurance company or carrier authorized to do business in this Commonwealth, or other contract in writing deemed by the Director to be adequate, by which such insurance company or insurance carrier shall assume the liability prescribed by this section.

The Director of Motor Transportation may exempt, in

whole or in part, from the requirements of this section any operator, upon application for such exemption and upon showing to the Director of Motor Transportation to his satisfaction, that by reason of the financial ability of the operator there exists due assurance of the payment of any and all damages for which said operator may become liable as a result of the operation of any vehicles owned by said operator, and the Director may, in his discretion, in lieu of the filing of a bond with adequate corporate surety, permit any operator to file a bond with personal surety thereon, but the Director shall not permit any person to execute any bond other than a surety bond or policy unless the person applying for the right to execute a bond with personal surety, shall file with the Director an affidavit as to the inability of the person applying, to obtain a bond or policy of assurance with corporate surety. Before accepting a bond with personal surety, the Director shall have the right to require the person applying for this character of bond, to file for himself, and to have the surety thereof file an affidavit as to the property qualifications of both principal and surety, and the Director shall be the judge of the sufficiency of both principal and surety thereon. The exemption herein provided shall be made only by written order of the Director, who may from time to time require statements of the financial condition of such operator and may upon ten (10) days notice in writing, for cause, revoke his order granting such exemption, in which event said operator shall immediately comply with the other requirements of this section.

No insurance company or insurance carrier issuing any policy filed with the Director, and no surety or other obligor on any bond or contract filed with the Director shall be relieved from liability under said policy, bond or contract until after the expiration of fifteen (15) days notice to the Director of an intention to cancel said insurance policy, bond or other contract, and the acceptance of such notice and the cancellation of such policy, bond or other contract by the Director

shall not relieve the insurance company or insurance carrier or the surety on such bond or other contract of any liability which shall have accrued prior to the effective date of such cancellation. The Director shall have the right to require all bonds or insurance policies to expire and be renewed upon a given day.

If any operator shall violate any provision of this act, the Director shall give notice to such operator and if after hearing, the Director finds that such operator has violated any of the provisions of this act, he shall cancel the permit issued to such operator, and after cancellation, no operator shall have the right to ask for a renewal of his permit for a period of six (6) months. Any operator whose license is cancelled by the Director of Motor Transportation shall have the right of appeal to the Franklin Circuit Court, where said case and the hearing thereon shall be tried *de novo*.

§ 3. 2739L-14. The violation of any provision of this act shall constitute a misdemeanor, punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) and costs of prosecution. Prosecutions under this act may be by summary arrest, warrant or information, and the courts in the county or city where the offense is committed or the Franklin County Quarterly or Circuit Court of Franklin County shall have concurrent jurisdiction for the trial of all offenses under this act.

H. B. 379. An act concerning wild animals, wild birds and fish; and repealing sections one thousand eight hundred ninety-three b-one (1893b-1) to one thousand nine hundred five-seven (1905-7) inclusive, Sections one thousand nine hundred thirty-eight a-one (1938a-1) to one thousand nine hundred fifty-four-twenty-one (1954-21) inclusive, and Sections one thousand nine hundred fifty-four c-one (1954c-1) to one thousand nine hundred fifty-four c-sixty-nine (7954c-69) inclusive, Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of Kentucky:

TITLE I.

SHORT TITLE; DEFINITIONS

§ 1. *Short Title.* This Act shall be known as the Game and Fish Code:

§ 2. *Definitions.* As used in this Act

(a) "Person" includes association, partnership and corporation.

(b) "Division" means Division of Game and Fish of Department of Conservation.

(c) "Commission" means Game and Fish Advisory Commission and "Director" means Director of Game and Fish Division.

(d) "Take" means hunt, kill or capture or attempt to hunt, kill or capture.

(e) "Angling" means taking fish by hook and line in hand, or rod in hand, or set-lines; or trot lines; but the use of grappling naked and snatch hooks, gigs and nets of any kind shall not be construed as angling.

(f) "Transport" includes offering or receiving for transportation.

(g) "Sell" includes offer for sale, possess for sale, barter, exchange or trade.

(h) "Buy" includes offering to buy, possess after buying by barter, exchange or trade.

(i) "Navigable Waters" means any waters within this State under lock and dam.

(j) "Minnows" means all small fish used for bait for angling except black bass, trout, crappie and rock bass or "goggle-eye".

(k) "Public Waters" mean all waters within the State flowing in natural channel streams.

(l) "Each Offense" means each bird, fish or animal taken, possessed, bought or sold or transported and each device used or possessed contrary to the provisions of this Act shall constitute a separate offense.

(m) "Wild Bird and Wild Animal" shall include such wild bird or wild animal or any part thereof.

(n) "Resident" is a person who has resided in this State for one year prior to their application for license.

"Non-Resident" is a person who has not resided in this State for one year prior to their application for a license.

(o) "Officer" means Conservation Officer.

TITLE II.

GENERAL PROVISIONS

§ 3. *Division of Game and Fish; Director; Commission; Manner and Time of Appointment.* The affairs of the Division of Game and Fish heretofore created by the "Governmental Reorganization Act of 1936", shall be administered by a Director under the supervision of the Commissioner of Conservation and an advisory Commission of seven members to hold office as is now provided by law except that those who compose the Commission on the effective date of this Act shall remain in office and the additional members created by this Act shall be appointed by the Governor, as now provided by law, for a four-year term and as is now provided when their respective terms expire their successors shall be appointed for four-year terms.

Nothing in this Act shall be construed to deprive the Governor of the right to remove any of the Officers, Commissioners or employees provided for in this Act, or in any manner to repeal any of the provisions of the Governmental Reorganization Act of 1936.

§ 4. *Expenses of Commission.* The members of the Commission shall receive no compensation for their services

as members thereof except that each Commissioner shall be entitled to reimbursement for actual and necessary traveling and other expenses and disbursements incurred or made by him in the discharge of his official duties up to the amount of (\$1,000.00) one thousand dollars a year to be paid from the Game and Fish Fund.

§ 5. *Quorum.* A majority of the Commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power.

§ 6. *Location of Offices.* The Commission shall have its principal office in Frankfort, Kentucky.

§ 7. *Offices of Commission.* When the office of Chairman of the Commission becomes vacant the Governor shall from its members select a chairman to hold such position for the remainder of his term or for such period of time as the Governor may designate. The position of Secretary shall be filled from the membership of the Commission. The Commission shall hold regular quarterly meetings at its offices in the Capitol and at such other times and places in Kentucky as the Commission shall select for the transaction of business.

§ 8. *Oath and Bond of Director.* Before entering upon the duties of his office the Director shall take and subscribe to the constitutional oath of office and shall in addition thereto swear or affirm that he holds no other political office nor any position under any political Committee or party. Such oath or affirmation shall be filed in the office of the Secretary of State.

The Director shall execute and file with the State Treasurer a bond to the people of the State of Kentucky, in the sum of (\$5,000.00) conditioned upon the faithful performance of his duties and that he will account for and pay over pursuant to law all State monies received by him under law for the protection of wild animals, birds and fish. The pre-

mium on such bond shall be paid from the Game and Fish fund.

§ 9. *Enforcement of Game and Fish Laws.* The Director shall have general supervision and control of all activities, functions and employees of the Game and Fish Division and shall enforce all of the provisions of the laws of this State relating to wild animals, birds and fish and shall exercise all necessary powers incident thereto, under the supervision of the Commissioner of Conservation.

The Director is hereby authorized to appoint with the approval of the Commissioner of Conservation and the Governor as many Conservation officers as may be required to efficiently enforce the provisions of this Act. It shall be the duty of the Conservation Officers, or such other person or persons appointed by the Director, Sheriffs, or their deputies, Constables or their deputies, and all peace officers within the State to enforce the provisions of this Act. They may arrest on sight without a warrant, any person detected by them or any of them in the act of violating any of the provisions of this Act. They shall have the same right as Sheriffs to require aid in arresting without process or with process any person or persons found by them in the act of violating the provisions of this Act, or they, or any of them shall have the authority to seize without process anything declared by this Act to be contraband and no liability shall be incurred by any person so charged and directed.

§ 10. *Disposition of Monies.* All monies derived from the sale of licenses under this Act or from any source connected with the administration of this Act by whomever received, except as is herein provided concerning County Clerk's fees and the distribution of fines and forfeitures imposed under this Act, shall be promptly paid over to the State Treasurer, who shall deposit such monies in a special fund known as the "Game and Fish Fund", which is hereby reserved, set-aside, appropriated and made available until ex-

pended in carrying out the purposes of this Act or any law or regulation for the protection of wild animals, birds or fish and shall be used for no other purpose. All warrants shall be drawn on said funds in the manner provided by the Constitution or by statute.

All funds, monies and property properly belonging to the Game and Fish fund under the heretofore existing law on the effective date of this Act are hereby reserved to the said fund above mentioned.

§ 11. *Financial Policies.* Funds in the Game and Fish fund shall be withdrawn by the Director for such purposes as the Commissioner of Conservation may direct in the manner now provided by law.

§ 12. *Duties of Magistrates and Clerks of Courts.* It shall be the duty of each magistrate or clerk of the Court before whom any prosecution under this Act or any law or regulation for the protection of wild animals, birds or fish may be commenced or shall go on appeal and within twenty days after a decision has been rendered therein to report in writing to the Director, the result of the prosecution, the amount of fine collected or penalty imposed, if any, therein. All monies collected as fines or penalties for the violations of the provisions of this Act or any law or regulation for the protection of wild animals, birds or fish, which according to law goes to the Game and Fish fund shall be within thirty days paid over to the Division by the Court, Magistrate, or other officer collecting or receiving same, and shall be within thirty days paid over to the State Treasurer by the Division, and credited to the Game and Fish fund.

§ 13. *Hunting, Trapping, Fishing or Purchasing Pelts without License Prohibited; Exceptions; Penalty.* No person sixteen years of age or older shall take wild animals, or trap for taking the same, or use a gun, or take wild birds, or take fish by angling or buy the pelts of wild animals for com-

mercial purposes, without first having secured a license therefor as herein provided. And no person under sixteen years of age shall take wild animals except by trapping or buy the pelts of wild animals for commercial purposes or take wild birds without having first procured a license therefor as herein provided.

Provided, however, that land owners, their resident children and lessee's on such lands may without a license take fish by angling from the waters therein and wild animals and wild birds therefrom subject to the further provisions of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifteen dollars nor more than one hundred dollars for each offense.

§ 14. *Buying, Selling or Transporting Protected Game and Fish Prohibited; Exceptions; Penalty.* No person shall sell or buy at any time, in this State any species of wild animal, wild bird or fish which are protected by this Act subject, however, to the following exceptions: The pelts of fur bearing animals, rabbits and fish, "except black bass and crappie", legally in possession may be sold or bought. Any violation of this Section shall be a misdemeanor and the person convicted thereof before a Court of Competent jurisdiction shall be fined not less than twenty-five dollars nor more than two hundred dollars for each offense.

No person for himself or as agent or employee, shall transport any wild birds, wild animals or fish, protected by this Act, except a person may transport with him as part of his personal baggage wild birds, wild animals, or fish legally in possession, and except the furs and skins of fur bearing animals may be transported at any time without being accompanied by the owner thereof. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent

jurisdiction shall be fined not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00) for each offense.

§ 15. *Licenses and Badges; Application for.* The Commission and Director are hereby authorized to adopt the design of the licenses required by this Act, and to make all regulations for the issuance of same. Said design, however, must contain a badge or button to be worn on the licensee's outside clothing and provided further that the license shall only be issued pursuant to a written application subscribed and sworn to by the applicant and giving the following information: sufficient general description of the applicant to identify him, his name, place of residence, house number or name of his nearest neighbor.

§ 16. *Licenses and License Fees; Date of Non-Resident Licenses; Badge Worn.* The fees required for licenses provided for by this Act shall be as follows:

As to residents of Kentucky:

Hunting license.....	\$1.00
Fishing license.....	1.00
Trapping license.....	1.00
Seining license and one tag for 100 feet of seine or part thereof.....	5.25
Additional tags per 100 feet of seine or part thereof.....	2.00
Hoop net license.....	1.25
Each additional hoop net.....	1.00
Fur buyers or dealers.....	2.00

As to non-residents of Kentucky:

Hunting license (season).....	\$10.50
Fishing license (season).....	2.50
Fishing license (for seven consecutive days).....	1.00
Trapping license.....	10.50
Seining license.....	10.50
Tags per 100 feet of seine or part thereof.....	4.00

Hoop net license.....	2.50
Each additional hoop net.....	2.00
Fur buyers or dealers.....	75.00

In each of the non-resident, seven consecutive day licenses issued, the County Clerk shall state the day such licenses begin.

And provided further that no person shall take or trap for any wild animals or fish or take wild birds without having the license provided therefor in his possession and the button or badge provided therewith attached to the outside of his clothing in a conspicuous manner and upon the failure to do so he shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifteen dollars, nor more than one hundred dollars for each offense.

§ 17. *County Clerk's Fees; Disposition of Fees; Issuance of License.* The County Court Clerk shall retain of money received for each resident hunting license, each resident fishing and each resident trapping license, for each non-resident seven day fishing license, for each additional tag for each additional 100 feet of seine or part thereof, and for each additional hoop net license the sum of fifteen (.15c) cents; for each seining license and one tag for 100 feet of seine or part thereof, for each hoop net license, and for each non-resident season fishing license the sum of twenty-five cents (.25c); for each non-resident hunting license, for each non-resident seining license and one tag for 100 feet of seine or part thereof, the sum of fifty cents (.50c). The fees above provided shall cover the swearing of the applicant to the affidavit referred to in this Act, and all other services under this Act. Said County Clerk shall pay the balance remaining after deducting his fees, to the State Treasurer, on the first of each month, which amount shall be converted into the Game and Fish fund, and the said County Clerk shall

report to the said Director on the first day of each month the number and kind of licenses and tags issued and the amount of money remitted to the State Treasurer.

The County Court Clerk shall issue all licenses and tags provided for in this Act except as is otherwise herein provided to all applicants complying with the provisions of this Act and only on written application subscribed and sworn to before the said Clerk upon forms provided therefor by the Division and the said Clerk shall sign said licenses and shall require the persons to whom the licenses and tags are issued to sign his or her name on the margin thereof. Said Clerk shall keep a correct and complete copy of all licenses issued in a book to be furnished by the Division, which record shall remain in his office and be open to the inspection of the public during all office hours.

§ 18. *Licenses and Forms Furnished to County Clerk by Director.* The Director shall deliver to each County Clerk in the State ten days before the first of January in each year, as many licenses, tags and forms as may be required, and charge said Clerk for the number issued to him. On the fifteenth day of January of each year, and within ten days thereafter, each County Clerk shall return to the Division all unused licenses, stubs of licenses used and unused tags, which he has received for the proceeding year. The licenses and tags herein authorized shall specify the calendar year for which it is issued and shall expire on the thirty-first day of December of said calendar year, except as herein before provided.

§ 19. *Printing of Licenses, Tags, Etc.; Payment for.* The blank licenses, metal tags and other printed matter necessary to carry out the provisions of this Act, shall be printed under the directions of the Director subject to the approval of the Director of Purchases and Public Properties, and shall be paid for in a like manner and upon the same terms as other

public printing. This expense shall be charged to the Game and Fish fund.

§ 20. *Monthly Statement.* The Director shall make out a monthly itemized account of the expenses of the Game and Fish Division, including the monies due himself, Conservation Officers, office assistants and all persons employed or appointed under this Act and submit the same to the Department of Finance to authorize the Auditor of Public Accounts to draw his warrant on the State Treasurer for the amount to be paid out of the Game and Fish Fund.

§ 21. *Seizure and Sale of Contraband.* The Director, all Conservation officers, and all other persons so appointed by said Director, Sheriffs and their deputies, Constables and their deputies and peace officers, shall seize and take possession of any and all birds, game fish or animals, or any part thereof, which have been caught, taken, killed or had in possession, or under control or shipped, contrary to any of the provisions of this Act or any other law of this State relating to fish or game. Any Court having jurisdiction may, upon complaint showing probable cause for believing that any bird, fish, game or animal, or any part thereof, caught, taken, killed or had in possession, or under control by any person, or shipped, or transported contrary to any of the provisions of this Act or of any law of this State relating to fish or game, is concealed or illegally kept in any building, car or receptacle, issue a search warrant and cause a search to be made in any such place for any such bird, fish, game or animal, or any part thereof, and may cause any building, enclosure or car to be entered and any apartment, chest, box, locker, crate, basket, package or any other receptacle whatever to be broken, open and the contents thereof examined. All such officers taking or seizing any such birds, animals, game or fish, or any part thereof shall at once report all the facts attending the same to the Director.

The Director is hereby authorized to sell to residents of

this State, at the highest market price obtainable therefor, with the approval of the Governor and the Director of Purchases and Public Properties, all furs, fish, game, game animals, birds, guns, dogs devices and boats which shall come to their possession as contraband under the order of any Court or Magistrate, or which has been seized under this Act, and declared to be contraband by this Act or any other law of this State relating to fish or game. One half of the net proceeds of sale shall be paid to the officer or other persons appointed by said Director, Sheriff or his deputy, Constable or his deputy, or peace officer, who seized said article of contraband, and the other half of such proceeds thereof shall be turned into the State Treasury and credited to the Game and Fish fund. A record of such sale, including the name of the purchaser and the price paid, shall be kept by the Director.

§ 22. *Duties of County Attorneys, Commonwealth's Attorneys and Peace Officers; Employment of Attorneys by Director.* The County Attorneys, the Commonwealth's Attorneys, the Sheriffs and their deputies, the Constables and their deputies, and all other peace officers, are hereby required and it is made their duty to enforce the provisions of this Act, and the Director of Game and Fish may employ an Attorney or Attorneys to perform such legal services as said Director may require. Said Attorney or Attorneys shall appear for said Division in all civil actions in which it or any of its officers or employees or appointees or wardens may be interested officially and may assist the County Attorneys or Commonwealth's Attorneys in the prosecution of criminal actions arising under this Act, and when for any reason the County Attorneys or the Commonwealth's Attorneys do not prosecute such criminal actions, such Attorneys employed by said Director shall conduct such prosecution on the part of the State with the same authority as the County Attorneys or the Commonwealth's Attorneys now have. The compensation to be paid said Attorney shall be fixed by the Director

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and paid out of the Game and Fish fund provided for the enforcement of this Act.

§ 23. *Power and Authority of Director and Employees; Aid of Sheriffs and Other Peace Officers.* The Director of said Division, all members thereof and officers and persons appointed by the said Director shall have full power and authority to serve and execute all warrants and processes of law issued by the Court, enforcing the provisions of this Act, or of any other law of this State relating to the preservation, protection or propagation of game or fish anywhere in the State of Kentucky in the same manner as any constable or sheriff may execute the same and for the purpose of enforcing the provisions of this Act they may call to their aid any Sheriff, deputy Sheriff, Constable, deputy Constable, peace officer or any other person, and it shall be the duty of all Sheriffs, deputy Sheriffs, Constables, deputy Constables, peace officers and other persons when called upon to enforce and aid in the enforcing of the provisions of this Act.

§ 24. *Bonds of Conservation Officers.* Before entering upon the discharge of their official duties, each Conservation Officer shall give bond in the sum of five hundred (\$500.00) dollars, payable to the State of Kentucky, with two or more sureties to be approved by the Director, and filed in the office of the Secretary of State, (condition) that he will truly account for and legally apply all money and property which may come into his hands in his official capacity, and that he will faithfully perform all of the duties enjoined upon him by law.

§ 25. *Disposition of Fines.* Any fine imposed by a Court of competent jurisdiction for a violation of this Act shall be divided and disposed of as follows: Forty per cent thereof to the County Attorney or Commonwealth's Attorney who is present and prosecutes the case and the remaining sixty per cent, or all thereof, provided no County Attorney or Commonwealth's Attorney actually prosecutes, to the Di-

rector to be paid by him to the State Treasurer and deposited in the Game and Fish fund.

Each and every judgment entered in any Court, upon the trial of any violation of the provisions of this Act, shall recite whether or not the County Attorney and/or the Commonwealth's Attorney was present and actively prosecuted said action on behalf of the Commonwealth and unless there is such an entry on the judgment book of the Court showing the presence and participation of such officer or officers in the trial neither of said officers shall be entitled to any part of any fine.

§ 26. *Costs.* There shall be taxed as costs in each case, where there is a conviction, under this Act, a fee of five (\$5.00) dollars to be paid to the arresting officer.

§ 27. *Contraband.* Any wild bird, wild animal or fish taken or possessed contrary to the provisions of this Act and any device used or possessed contrary to the provisions of this Act and hereby declared to be contraband and the arresting officer shall take possession of same and account therefor to the Director.

§ 28. *Permits; Fee for.* The Director is hereby authorized to issue to any qualified person a permit to take wild animals, birds, or fish at any time within this State and to transport same for scientific or educational purposes. And a fee of \$1.00 shall be charged therefor to cover administration costs. These permits are to be valid for one year; said period to be shown thereon.

§ 29. *Making Waters Unfit for Support of Marine Life; Penalty.* It shall be unlawful for any person for himself or as agent or employee whether acting in a private or public capacity to place or suffer to be placed in any public waters within this State any substance which causes said waters to be unfit for the support of marine life. Any person violating the provisions of this Act shall be guilty of a misdemeanor

and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifty dollars nor more than five hundred or be subject to imprisonment for not less than ten days nor more than sixty days or both fine and imprisonment.

§ 30. *Contract for Game Refuge Authorized.* The Director with the advice and consent of the Commissioner of Conservation and subject to the approval of the Commissioner of Finance is hereby authorized to enter into a contract or contracts with any land owner or land owners of the State of Kentucky for a specified term of years by which contract or contracts the land subject thereto shall be set aside and maintained as a Game Refuge. The Contracts provided for herein shall be and are hereby made recordable instruments in the records of the Clerk of the several County Courts.

TITLE III.

PROPAGATION FARMS

§ 31. *Application and Regulations.* The Director may issue permits to propagate fish, game and fur-bearing animals, and he shall make and publish regulations governing such industry. The application for such a breeder's permit shall be in writing addressed to the Director, shall be signed by the applicant and shall describe the land or waters owned or leased by such breeder to be used for such purpose and shall contain such other facts as may be required by the Director. When it appears that the application is made in good faith, the Director may issue such a permit which shall continue in force for one year, upon the payment of fee of two dollars and fees for tagging which shall be fixed by the Director, which fees shall be paid by him into the State Treasury and credited to the Game and Fish fund.

§ 32. *Same; Rights of Breeder.* A breeder may sell and

transport fish, game and fur-bearing animals, at all times, alive for propagation, and for food during such season as the Director may prescribe. Such fish, game and fur-bearing animals shall be identified either by marking the packages or by individual tagging as the Director may prescribe.

§ 33. *Same; Penalty.* A breeder selling game procured from other than such lands, or who violates a provision of this title or a regulation issued under the provisions of the two preceding sections, shall forfeit his license and be fined not more than one hundred dollars, and in addition thereto, shall be punished as provided for such particular violation.

§ 34. *Poaching; Propagation Farms; Injury; Penalty.* A person who, without permission, enters upon the premises of a propagation farm and takes fish, birds or quadrupeds, or upon a pond and takes fish, or fouls the waters of such farm or pond with a substance injurious to the life or growth of fish or breaks or destroys a dam, reservoir or embankment, or diverts the water, or wilfully damages such farm or pond, shall be imprisoned not more than six months or fined not more than one hundred dollars nor less than twenty dollars, and shall also be liable to the owner of such premises for damages in any action of tort, on this statute.

§ 35. *Wildlife Restoration in Cooperation With the Federal Government.* The State of Kentucky, hereby assents to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife restoration projects, and for other purposes", approved Sept. 2, 1937 (Public, No. 415, 75th., Congress), and the Conservation Department is hereby authorized empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife restoration projects, as defined in said act of congress, in compliance with said act and with rules and regulations promulgated by the Secretary of Agriculture thereunder; and no funds ac-

cruing to the State of Kentucky from license fees paid by hunters shall be diverted for any other purpose than the administration of the Division of Game and Fish of said Department.

§ 36. *Consent to Acquisition By the United States of Migratory Bird Reservations.* Consent of the State of Kentucky is given to the acquisition by the United States by purchase, gift, devise, or lease of such areas of land or water, or of land and water, in Kentucky, as the United States may deem necessary for the establishment of migratory-bird reservations in accordance with the Act of Congress approved February 18, 1929, entitled "An act to more effectively meet the obligations of the United States under the Migratory Bird Treaty with Great Britain by lessening the dangers threatening migratory birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes", reserving, however, to the State of Kentucky, full and complete jurisdiction and authority in, and over all such areas not incompatible with the administration, maintenance, protection, and control thereof by the United States under the terms of said Acts of Congress. This Act shall not be so construed as to deprive the Courts of Kentucky of the right to try and punish those who violate any of the criminal and/or penal statutes of Kentucky in, or over any such areas.

§ 37. *Contracts.* The Division with the approval of the Commissioner of Finance and with the consent of the Governor, may enter into any contract of agreement with the United States Government or any department or bureau thereof, or with any person or persons in regard to the preservation, protection or propagation of fish, game, birds or animals, it may deem to the advantage of the States to enter into.

TITLE IV.

FISH

§ 38. *Taking Fish Contrary to Law; Penalties.* Any person who takes fish from any of the public waters of this State except by angling and except as is otherwise provided herein shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

Any person who shall wilfully and knowingly kill or injure, shock or stun, or attempt to kill or injure, shock or stun any fish by any explosive agent or similar substance, shall be guilty of a felony and upon conviction thereof before any Court of competent jurisdiction shall be confined in the State penitentiary for one year for each offense.

§ 39. *Substances Poisonous to Marine Life; Penalty.* Any person who shall wilfully and knowingly place, or attempt to place, in any of the public waters of this State any poison, or any substance which has a poisonous effect on marine life, for the purpose of taking fish shall be guilty of a felony; and upon conviction thereof before any Court of competent jurisdiction shall be confined in the State penitentiary for one year for each offense.

§ 40. *Provisions in Regard to Seines and Nets; Exceptions.* It shall be lawful for any person to take by the use of seines and hoop nets without wings, the mesh thereof to be not less than two inches square, any fish from the streams forming the boundary of any part of the boundary between this State and any other State or States, and from the navigable streams of this State. Provided further that no person shall take or attempt to take any fish by seines or nets or place any seines or nets in any of these streams within two hundred yards of the mouth of any stream entering into such waters nor within two hundred yards of the mouth of

any navigable stream within the State nor within two hundred yards of any lock or dam located on such stream or streams nor above the last lock or dam in any navigable stream. It shall also be unlawful for anyone to operate or have in possession any seines or nets pursuant to the provisions of this Act unless such person or persons shall have procured a license so to do and a metal tag for the use or possession of each net or seine and complied with the provisions hereinafter set out. Provided further that any large or small mouth black bass and crappie if caught in seines or nets shall immediately be returned without injury to the water from which taken. Provided further that no fish shall be caught or taken under the provisions of this Act during the month of May each year; and provided further that nothing in this Act shall be construed to prevent dealers or manufacturers from having seines or nets in possession for the purpose of sale.

§ 41. *Seining for Minnows.* It shall be lawful for any person to take with seine from the public waters of this State minnows to be used for bait for angling. Said seine shall not be more than ten feet in length, four feet in width or height, with mesh not larger than one-quarter inch. Provided, however, any fish caught which are excluded from the definition of minnows herein, such fish shall be without injury, immediately returned to the water from which they are taken. Any person violating this Section shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifteen dollars and not more than one hundred dollars for each offense.

§ 42. *Unlawful to Take Fish in May.* It shall be unlawful to take fish or attempt to take fish in any manner or by any means in any of the public waters of this State during the month of May each year, except that this shall not prohibit fishing with pole and line in any running waters of this state

that are not so blocked by dams as to render them non-navigable.

§ 43. *Limitations on Number of Fish to be Taken.* No person shall take or have in his possession more than ten black bass nor more than ten trout nor more than fifteen rock bass or goggle-eye nor more than fifteen crappie in any one day nor take nor have in his possession any black bass under eleven inches in length nor any trout under seven inches in length nor any crappie under eight inches in length; provided, however, that any person having fished two days in succession may have in possession a total not to exceed twenty black bass or trout, thirty rock bass or goggle-eye or thirty crappie.

TITLE V.

MUSSELL FISHING

§ 44. *Mussel Fishing; License for.* It shall be unlawful to take, catch, kill mussels for commercial purposes without a license issued by the Director.

§ 45. *Issue of License.* The Director may, upon application, issue a license to take or kill mussels. Upon making application for said license, the residents of this State shall pay to the Game and Fish Division a fee of six dollars and non-residents shall pay to the Game and Fish Division a fee of fifty dollars (\$50.00). All licenses shall expire on the 31st day of December following their issue.

The licenses shall be consecutively numbered as issued and records shall be kept thereof in the office of the Fish and Game Division. Such licenses shall state whether it is a resident or non-resident license, and it shall entitle the holder thereof to operate one boat only. An operator desiring to operate more than one boat shall be required to secure a separate license for each boat. The holder of a license while taking, catching or killing mussels for commercial purposes shall have his license with him ready for exhibition, and shall exhibit same when required to do so by an authorized officer.

§ 46. *Restriction upon Operation.* The license provided for herein shall entitle the holder thereof to operate on any shell bed; provided (that) not more than four boats may operate to the mile of shell bed.

§ 47. *Report of Operations; Penalty for Failure.* On or before the 31st day of December of the year in which any license is issued, the holder thereof shall make a written report to the Game and Fish Division for the purpose of stating the total weight of mussels taken, caught or killed under such license, the names and location of the waters from which such mussels were taken and the amount received for shells sold. Upon the failure to make such report the Game and Fish Division shall not issue another license until such report shall be made.

§ 48. *Use of License Fees.* All funds received under the provisions of this Act shall be used by the Game and Fish Division for the purpose of enforcing the provisions of the Act and for the protection and propagation of the mussel beds, and any surplus remaining in the fund at the close of each calendar year shall be turned into the general fund of the said Division.

§ 49. *Penalty for Violation; Regulations to Govern Operations.* Any person, firm or corporation violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of (\$25.00) twenty-five dollars or by imprisonment in the County jail for not less than twenty days or maybe both fined and imprisoned at the discretion of the Court.

The Game and Fish Division shall make such rules and regulations governing the operation of boats in the taking of mussels as it may deem best for the proper enforcement of this Act. In order to prevent the depletion of the mussel beds and to insure proper propagation of the mussels the Game and Fish Division shall have authority to close any beds to operators at any time and for any period that they may deem

necessary and during such closed season on any bed or beds it shall be a violation of this Act for any one to take mussels from such beds. When order is issued closing any mussel bed or beds due notice of such order shall be published in at least three consecutive issues of some newspaper published in the county where the bed or beds are located.

§ 50. *Arrests for Violations; Search and Seizure.* For the purpose of carrying into effect the provisions of this Act, the Director and Conservation officers operating under the game and Fish Division are authorized and empowered without warrant to arrest anyone violating any of the provisions of this Act or any of the rules or regulations for its enforcement that may be made by the Game and Fish Division, to further facilitate the enforcement of this Act, such officers shall have the right to inspect and examine mussels in any warehouse, boats, stores, cars, baskets or other convenient receptacle when they have good cause to believe that any of the provisions of this Act, or the regulations made hereunder have been violated. This authority shall not include the right to enter any dwelling house for purposes of investigation until a Court of competent jurisdiction, upon receiving proof of the probable cause for believing that mussels have been illegally taken, caught, killed, shall have issued a search warrant. When such officers shall find mussels in the possession of any one in violation of this Act such mussels shall be confiscated by such officers and shall be sold and in such sale the Conservation Officer shall proceed in the manner provided by the law for the sale of confiscated fish and game.

TITLE VI.

BIRDS

§ 51. *Taking Birds, Type of Gun; Penalty for Disobedience.* Any person who takes any wild bird within the boundry of this State, except with a gun, said gun not larger than a ten gauge fired from the shoulder and which if a shot gun

has had the magazine thereof, if any, plugged with a solid wooden or metal plug in such a way that the gun will hold not more than three cartridges, shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred (\$100.00) dollars for each offense.

§ 52. *Hunting Birds with Light; Penalty.* Any person who hunts birds with lights or other means used to blind birds at night shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred (\$100.00) dollars for each offense.

§ 53. *Birds not Protected.* Nothing in this Act shall be construed to protect or limit in any way the taking of the Cooper's hawk, sharp-shinned Hawk, the crow, the starling or the English sparrow, or the great horned owl. However, it shall be unlawful to take other than the above and other than the game birds, for which there is an open season, any wild bird, in the limits of this State. It also shall be unlawful to take the nests or eggs of any wild birds within the limits of this State except as otherwise provided herein; and any violation of this Section shall be a misdemeanor and any person convicted thereof before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred dollars for each offense.

§ 54. *Open Seasons; Penalty for Possessing Birds at Other Times.* Any person who takes or has in his possession in this State any wild birds except during the open season for a particular species, to be as follows:

Quail or Bob White—Nov. 24, to Jan. 9th.

Mourning Doves—Sept. 1st. to Jan. 9th.

Woodcock—Nov. 25th, to Dec. 15th.

Snipe—No Open Season.

Roughed Grouse—No Open Season.

Wild Turkey—No Open Season.

Ring Necked Pheasant—No Open Season.

Hungarian Partridge—No Open Season.

Wild birds subject to the provisions of the "Migratory Bird Treaty Act" other than those specifically provided for herein.

The season shall be the same as is provided by regulations of the Secretary of Agriculture under the "Migratory Bird Treaty Act." Except that Wild birds legally taken may be possessed for ten days immediately succeeding such open season.

Shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen dollars (\$15.00) and not more than one hundred (\$100.00) dollars for each offense

§ 55. *Bag Limits; Penalty.* No person shall take in any one day more wild birds for which there is an open season provided for any Particular species than the bag limit for the species as set out herein:

Quail, 12.

Mourning Doves, 15.

Woodcock, 4.

Ducks, 10. In aggregate of all species.

Geese, 5. In aggregate of all species.

and further provided that no person shall have in his possession during the open season not more than two days bag limit of any particular species and any one violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen dollars (\$15.00) and not more than one hundred (\$100.00) dollars for each offense.

TITLE VII.

WILD ANIMALS

§ 56. *Penalty for Taking Wild Animals Except by Trapping, Gun, Gun and Dog or Dog.* Any person who takes

wild animals protected by this Act within the boundary of this State, except by trapping, gun, gun and dog, or dog, shall be guilty of a misdemeanor and upon conviction therefor before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred (\$100.00) dollars for each offense.

§ 57. *Open Season; Penalty for Taking or Possession at Other Times.* Any person who takes or has in his possession in this State any wild animal protected by this Act, except during the open season for the particular species provided herein shall be guilty of a misdemeanor and upon conviction therefor before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred (\$100.00) dollars for each offense. Said open seasons are as follows:

Mink, Opossum, Raccoon, Red Fox, Skunk and Muskrat,
Nov. 1st to Dec. 31st.

Otter and Beaver, No Open Season.

Squirrel, July 1st, to October 1st.

Rabbits, Nov. 24th, to Jan. 9th.

§ 58. *Hunting Raccoon and Red Fox for Sport and not to Kill.* Any person who hunts Raccoon and Red Fox with dogs, at night, for sport and not to kill is specifically excepted from the provisions of Section 57 of this Act, (except that this provision shall not apply to licensed fur dealers and trappers or hunters who may have in their possession at any time, pelts of animals protected by this Act which were caught in open season).

§ 59. *Limitation on Number Taken in One Day and Number in Possession; Penalty.* No person shall in any one day take more wild animals protected by this Act of any particular species than the bag limit therefor as herein provided.

Squirrels, 6.

Rabbits, 8.

And provided further that no person shall have in his

possession more than two days bag limit of any particular species for which there is such a bag limit established herein. Any any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction therefor before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred (\$100.00) dollars for each offense.

§ 60. *Hunting Rabbits with Lights; Penalty.* Any person who hunts rabbits with lights or other means used to blind rabbits at night shall be guilty of a misdemeanor and upon conviction thereof before a court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred (\$100.00) dollars for each offense.

§ 61. *Hunting Elk, Deer, Wild Turkey or Bear Prohibited; Penalty.* No person shall, in this State of Kentucky, hunt, pursue, chase, catch, kill, injure or molest any elk, deer, wild turkey, or bear. Any person violating this Section, shall be fined not less than one hundred (\$100.00) dollars or more than three hundred (\$300.00) dollars for each offense.

§ 62. *Setting Traps on Land of Another; Provisions Concerning; Penalty.* No person shall within the bounds of this State set any trap on the land of another without having first procured the owners or lessee's written permission to do so without at the time of setting said trap or attempting the same he has in his possession said written consent and exhibits it to any one lawfully demanding to examine the same. And provided further that any trap set on land of another shall be marked with a metal tag giving the owners name and place of residence. And provided further that any traps set on the lands of another must be visited at least once every thirty-six hours and any animal or bird caught therein removed therefrom. And provided further that any trap set on the land of another shall be set or placed eighteen or more inches within the entrance of a den-hole, tree-den or hollow log so as to be inaccessible to domestic animals, dogs or fowls

and any person violating this Section shall be guilty of a misdemeanor and upon conviction therefor before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred (\$100.00) dollars for each offense.

TITLE VIII.

FUR BUYER'S LICENSES

§ 63. *License.* The furs and skins of fur-bearing animals legally taken, may be bought and soold at any time. When a person wishes to engage in the business of buying such furs and skins he shall first secure a license from the Director, as hereinafter provided.

§ 64. *Same; Fees; Resident; Non-Resident.* The Director annually may issue licenses to residents of this State to engage in the business of buying furs and skins. Each person so licensed shall pay to the Director a fee of two dollars. Each non-resident dealer shall pay to the Director a fee of seventy five dollars; provided, however, that no license shall be issued to a resident of a State or County which does not grant the equal privileges to citizens of this State.

§ 65. *Exceptions.* A person, resident or non-resident, without license may purchase furs or skins of any regular licensed dealer, and nothing in this chapter shall prohibit individuals from shipping their own furs and skins to dealers outside the State.

§ 66. *Time.* Such license shall be effective from date of issue and shall be in full force until December 31st., of the same year.

§ 67. *Minors.* The provisions as to a fur buyer's license shall not apply to a minor under the age of sixteen years.

§ 68. *Penalty.* A person who buys furs and skins without a license shall be fined not more than one hundred dollars not less than twenty-five dollars for each offense.

§ 69. *General Provisions Regarding Fines.* Any person having been found guilty of violating any Section or any part of any Section of this Act, and fined therefor shall on failure to pay such fine and Court costs, be confined in the county jail or workhouse, or placed at labor on any of the public works of the County in which he is convicted and fined, for a length of time not exceeding one day for every dollar of said fine and Court costs.

Any person violating any provisions of this Act, shall upon conviction thereof, be fined not less than fifteen (\$15.00) dollars nor more than one hundred (\$100.00) dollars, unless, a different fine or penalty is otherwise provided.

§ 70. *Possession Prima Facie Evidence of Guilt.* The having in possession of any of the wild animals or fur bearers contrary to the provisions of this Act, shall be prima facie evidence of guilt under this Act; provided further that nothing in this Section shall be construed to prohibit the having in possession of any raccoon, opossum, skunk, muskrat, or mink, or fur thereof, taken or killed in the open season for same between January 1st., and the 15th., day of February, both dates inclusive.

§ 71. *Separate Offenses.* Each bird, fish or animal taken, possessed, bought or sold or transported or each device used or possessed contrary to the provisions of this Act shall constitute a separate offense.

§ 72. *Duty of Judges in Circuit Courts.* It shall be the duty of the Judge in all Circuit Courts of the respective Counties of the State to give this Act, specially in charge in each Grand Jury in said Court, and it shall also be the duty of all Judges holding Courts of inquiry to give this and all other Acts for the protection of Game and Fish, especially in charge to each Jury of Circuit Courts.

§ 73. *Saving and Repealing Clause.* It is hereby provided that all provisions of this Act relating to licenses shall not be effective until January 1, 1939. It is further provided

that no provision of this Act shall have the effect of repealing, any provision of the Governmental Reorganization Act of 1936. Sections 1893b-1 to 1905-7 inclusive, Sections 1938a-1 to 1954-21 inclusive, Sections 1954c-1 to 1954c-69 inclusive, Carroll's Kentucky Statutes, Baldwins 1936 revision, be, and the same are hereby repealed.

H. B. 393. An act to amend and re-enact section 1234, Kentucky Statutes, Baldwin's 1936 Revision, relating to the jurisdiction of courts of offenses committed by convicts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Franklin Circuit Court shall have jurisdiction of the offenses mentioned in the two preceding sections if the offense was committed by a convict confined in the penitentiary at Frankfort; if the offense was committed by a convict confined in the penitentiary at Eddyville, the Lyon Circuit Court shall have jurisdiction; if the offense was committed by a convict confined in the Reformatory at LaGrange, the Oldham Circuit Court shall have jurisdiction.

H. B. 394. An act providing for City School Boards in Cities of the Third Class to make contracts with private institutions for the instruction of students in city schools to obtain a commercial education, and providing for the payment of such instruction from the city school funds.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In any City of the Third Class any City School Board is hereby authorized and empowered to enter into and to make a contract with any private institution for the instruction of the students in the city schools of said city, provided

that said private institution offers a course of study which has been approved by the State Board of Education as an accredited high school course in commercial subjects.

§ 2. Such City School Board is hereby authorized and empowered to provide in said contract the amount of such compensation to be paid for such instruction and the manner in which payment shall be made and the time of such payments.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

H. B. 398. An act to repeal, amend and re-enact Sections 2005-1, 2005-2 and 2005-3 of Carroll's Kentucky Statutes, 1936 Edition, and Chapter 53, paragraphs 1, 2 and 3 of the Acts of 1912, providing for increase of compensation of the members of the General Assembly.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. The members of the General Assembly of the Upper House (Senate) shall severally receive from the State Treasury compensation for their services, which shall be twenty dollars a day during their attendance on, and fifteen cents per mile for the necessary travel in going to and returning from the sessions of the General Assembly.

§ 2. The members of the Lower House (House of Representatives) shall receive the same compensation as provided in Section One above, for their services during their attendance on the sessions of the General Assembly.

§ 3. The President of the Senate, and the Speaker of the House of Representatives shall each receive twenty-five dollars per day while attending upon the session of their respective bodies.

§ 4. All laws and parts of laws in conflict herewith are hereby repealed.

H. B. 246. An act relating to chiropractic amending and re-enacting Chapter 154 of the Acts of the General Assembly of 1932.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

(1) That Chapter 154 of the Session Acts of the General Assembly of 1932, same being Section 8 of Chapter 123 of the Session Acts of the General Assembly of 1928, same relating to Chiropractic, be and the same is amended, and as so amended said Section of said Chapter shall read and be as follows, to-wit:

Section 8. License. Each and every person who is the holder of a valid and unrevoked license to practice chiropractic in Kentucky shall pay on or before January 1st of each year to the Kentucky State Board of Chiropractic Examiners the sum of six dollars (\$6.00) as a license renewal fee, and failure by such person to pay said fee shall operate as a forfeiture of the right to practice in this State. Such persons may, however, be re-instated by the Board upon payment of all fees due.

The secretary of said Board shall mail renewal notices to each licensee at least thirty days prior to January 1st of each year. All licenses and renewal of licenses issued in compliance with the terms of this Act shall be signed by the president and secretary of said Board and shall be attested by the official seal.

All licensees shall file a copy of their licenses with the county clerk of the county in which they reside before practicing, and the said clerk is directed to record same, and shall be allowed a fee not to exceed twenty-five cents (25c).

The said Board shall appropriate one-half of each renewal fee collected, to the Kentucky Association of Chiropractors, Incorporated, if in existence, for the purpose of establishing a yearly educational program, approved by said Board, which

may be attended by all licensees. Provided, that satisfactory evidence is presented to the Board that the said licensee in the year preceding the application for renewal attended the two-day educational programs as approved by the Board and conducted by the Kentucky Association of Chiropractors. The Secretary shall mail renewal notices to each licensee at least thirty days prior to January First of each year, and failure to pay such renewal fee shall operate as a forfeiture of the right of the licensee to practice his profession in this State: Provided, however, that he may be reinstated by the Board at its discretion upon payment of all fees due.

H. B. 296. An act to amend and re-enact Section 979b-10, Carroll's Kentucky Statutes, 1936 Edition, being Section 6 of Chapter 30 of the Acts of the General Assembly of 1936, relating to the assignment, compensation and number of probation and parole officers.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section nine hundred seventy nine b-10 (979b-10), Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) edition, being section 6 of Chapter 30 of the Acts of the General Assembly of 1936, be amended to read as follows:

Probation and parole officers appointed under this Act shall be assigned to serve in such courts or districts as the Director of Probation and Parole may determine. They shall be paid such salaries as the Department of Public Welfare may prescribe not to exceed Eighteen Hundred Dollars per annum and may also be paid traveling and other necessary expenses incurred in the performance of their duties. The total number of Probation and Parole Officers shall not exceed the total number of judicial districts in the Commonwealth of Kentucky.

H. B. 297. An act relating to the supervision of paroled convicts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. A paroled convict with sentence or sentences aggregating not more than five years of imprisonment shall be supervised by the Department of Welfare of the Commonwealth for a period of not less than one year from the date of the parole.

§ 2. A paroled convict with sentence or sentences aggregating more than five years of imprisonment shall be supervised by the Department of Welfare of the Commonwealth for a period of not less than two years from the date of the parole.

§ 3. The Department of Welfare may, in its discretion, extend the period of supervision of a paroled convict beyond the minimum prescribed in sections 1 and 2 of this Act.

H. B. 364. An act to repeal, amend and re-enact section 425 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to appointment of deputy constables, their powers, bonds, residence and manner of removal.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 425 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be and the same is repealed, amended, and re-enacted, so that when so amended and re-enacted, shall read as follows:

“Section 425: A constable may appoint one or more deputies, by and with the consent of the county judge, who shall have all the powers of constables, and the constable and his sureties shall be liable on his bond for all the acts and

omissions of his deputies; but such deputy constables must be residents of the same districts wherein resides the constables by whom the same are appointed.

“Such deputy constables may be removed, at any time, at the will and pleasure of the constable, for any cause deemed sufficient by such constable, by order of the county court, entered after the filing of a written direction by the constable, so to do.”

H. B. 399. An act relating to Revenue and Taxation and Declaring an Emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. DEFINITIONS.

(a) The term “carnival” as used in this Act shall include all street fairs (except State and county fairs); amusement parks; all shows operated either directly or by concessionaires in two or more separate units, exhibitions, or main side shows; and all such like enterprises where rides, shows, exhibitions, concessions, cane racks or games of skill are operated, and all of which are open to the public generally.

(b) The term “gross receipts” shall include all sums taken in by the owner or proprietor of any carnival, and all sums taken in by any person, firm or corporation to whom the owner or proprietor of a carnival has leased, rented or granted any concession or concessions in connection with the operation of such carnival.

§ 2. An excise tax is hereby imposed upon each person, firm, corporation, fiduciary, joint stock company or syndicate operating a carnival in this State in a sum equal to ten per cent (10 per cent) of the gross receipts.

§ 3. This Act shall be administered by the Department of Revenue and the tax herein provided shall be paid monthly

by the owner or proprietor of any carnival to said department and all carnivals shall be subject to the provisions, penalties and regulations as are provided in Chapter 15 of the Acts of the General Assembly, 1936 at its Third Extraordinary Session, in so far as the same are applicable; and the tax herein provided shall be in lieu of all taxes provided for in said Chapter 15 of the said Acts of the General Assembly.

§ 4. EMERGENCY.

Whereas, many carnivals will be in operation before this Act will become effective unless an emergency is declared; and,

Whereas, the State otherwise would be deprived of a large amount of revenue necessary for the maintenance of the State Government, its agencies and subdivisions, an emergency is declared to exist and that Act shall become a law and be effective upon its passage and approval by the Governor.

H. B. 58. An Act relating to containers used in the the Dairy Industry providing for the registration of such containers, the names and trade-marks used thereon. Providing how and in what manner such containers so registered may be legally used. Prescribing punishment for the illegal use, possession, and, or sale of such containers and repealing all laws or parts of laws in conflict with this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 2. Any and all persons and corporations engaged in manufacturing, bottling, or selling milk, cream, buttermilk, flavored milk, cottage cheese, in bottles, jars, cans. cases, siphons, tins or kegs, with his, her, its or their name or names, or other marks or devices branded, stamped, engraved, or etched, blown, impressed, or otherwise produced on such

bottles, jars, cans, cases, siphons, tins or kegs, or the boxes used by him, her, it or them, may file in the office of the Clerk of the county in which his, her, its or their principal place of business is situated, or if such person, or persons, corporation or corporations shall manufacture and bottle any of said products out of this state, then in any county in this state, and also in the office of the secretary of state, a description of the name or names, marks or devices so used by him, her, it or them, respectively, and cause such description to be printed once in each week for three weeks successively, in a newspaper published in the county in which said notice may have been filed as aforesaid.

§ 3. It is hereby declared to be unlawful for any person or persons, corporation or corporations, to fill with milk, cream, buttermilk, flavored milk, cottage cheese, any bottle, jar, can, case, box, siphon, tin, or keg so marked or distinguished as aforesaid, with or by any name, mark, or device, of which a description shall have been filed and published, as provided above, or to deface, erase, obliterate, cover up or otherwise remove or conceal, any such name, mark or device thereon, or to sell, buy, give, take or otherwise dispose of or traffic in the same without the written consent of, or unless the same shall have been purchased, by such person or corporation, exclusive of the contents thereof, from, the person or persons, corporation or corporations, whose mark or device shall be or shall have been in or upon the bottle, jar, can, case, box, siphon, tin or keg so filled, trafficked in, used or handled as aforesaid. Any person or persons, or corporation or corporations offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished for the first offense by imprisonment, not less than ten days nor more than one year, or by a fine of fifty cents for each and every such bottle, jar, can, case, box, siphon, tin or keg so filled, sold, used, disposed of, given, taken, bought or trafficked in, or by both such fine and imprison-

ment, and for each subsequent offense by imprisonment, not less than twenty days nor more than one year, or by fine of not less than one dollar, nor more than five dollars, for each and every bottle, jar, can, case, box, siphon, tin or keg so filled, sold, used, disposed of, given, taken, bought or trafficked in, or by both such fine and imprisonment, in the discretion of the magistrate before whom the offense shall be tried.

§ 4. The use by any person other than the person or persons, corporation or corporations, whose device, name or mark shall be, or shall have been, upon the same without such written consent or purchase as aforesaid, of any such marked or distinguished bottle, jar, can, case, box, siphon, tin or keg, a description of the name, mark, or device, whereon shall have been filed and published, as herein provided, for the sale therein of milk, cream, buttermilk, flavored milk, cottage cheese, or any articles of merchandise or for the furnishing of such or similar beverages to customers, or the buying, selling, using, for any purpose, disposing of or trafficking in any such bottle, jar, can, case, box, siphon, tin or keg, by any person other than said persons or corporations having a name, mark or device thereon, without such written consent of the owner, or the having in possession by any junk dealer or dealers in second-hand articles, vendor of bottles, rags, or collectors of or dealers in articles found in ashes, garbage, or other refuse, whether at the public dumps or elsewhere, of any such bottles, jars, cans, cases, boxes, siphons, tins or kegs, whether whole or broken, a description of the marks, names or devices, whereon shall have been so filed and published as aforesaid, without such written consent, shall, and is hereby declared to be, presumptive evidence of the said unlawful use, purchase, and traffic in of such bottles, jars, cans, cases, boxes, siphons, tins or kegs.

§ 5. Whenever any person, persons or corporation, who shall have so filed and published as aforesaid, or his, her, its or their agent shall make oath before any magistrate that he,

she or it has reason to believe and does believe, that any of his, her, its or their bottles, jars, cans, cases, boxes, siphons, tins or kegs, a description of the names, marks or devices whereon has been filed and published as aforesaid, are being unlawfully used or filled, or had by any person or corporation manufacturing or selling milk, cream, buttermilk, flavored milk, cottage cheese, or that any junk dealer or dealers in second-hand articles, vendors of bottles, rags, or collectors of or dealers in articles found in ashes, garbage or other refuse, whether at the public dumps or elsewhere, or any other person or corporation has any such bottles, jars, cans, cases, boxes, siphons, tins or kegs, in his, her or its possession, or secreted in any place, the said magistrate must thereupon issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person in whose possession the bottles, jars, cans, cases, boxes, siphons, tins or kegs may be found, and shall then inquire into the circumstances of such possession, and if such magistrate finds that such person has been guilty of a violation of this act, he must impose the punishment herein prescribed, and he shall also award possession of the property taken upon such warrant to the owner thereof.

§ 6. The requiring, taking or accepting of any deposit for any purpose upon any bottle, jar, can, case, box, siphon, tin or keg shall not be deemed or constitute a sale of such property, either optional or otherwise, in any proceeding under this act.

§ 7. Any person or persons, corporation or corporations, that has or have heretofore filed in the offices mentioned, as aforesaid in this act, a description of the name or names, mark or devices upon his, her, their or its property therein mentioned, and has caused the same to be published according to law existing at the time of such filing and publication, shall not be required to again file and publish such description to be entitled to the benefits of this act.

§ 8. This Act shall not apply to milk bottles purchased from a person, firm, or corporation, where the bottles have been manufactured at the time of the effective date of this Act, such bottles bearing the name or trademark of some extinct dairy.

§ 9. All laws and parts of laws in conflict with this Act are hereby repealed to the extent of such conflict.

H. B. 189. An Act repealing, amending and re-enacting Section 551, Kentucky Statutes, relating to corporations, their management and control, the election and qualifications of directors of corporations.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 551 Kentucky Statutes be repealed and re-enacted so that when so amended and re-enacted it will read as follows:

The affairs of each corporation shall be managed by a board of not less than three directors, each of whom shall own in his right not less than three shares of capital stock; they shall hold office until their successors are respectively elected and qualified, and a majority of them shall constitute a quorum for the transaction of business. All elections for directors shall be by ballot, and shall be held in this state; and, in the first instance, the directors shall be elected at a meeting held before the corporation is authorized to commence business, and thereafter at an annual meeting of the stockholders to be held on the day named in the by-laws, and which shall not be changed within sixty days next before the day on which the election is to be held, and notice of any change shall be given to each stockholder twenty days before the election is held; and if, for any cause, an election is not held on the day named in the by-laws, a special meeting for

that purpose shall be called within thirty days thereafter, of which due notice shall be given to each stockholder, in person or by letter mailed to his last known address. A stockholder may vote at any meeting by proxy, in writing, signed by him, and attested in such manner as the by-laws may prescribe; and a vacancy in the board of directors shall be filled by the board; and the directors so appointed shall hold office until the next annual election, provided that if the directors are divided into classes in the manner set out herein, the directors so appointed shall hold office for the remainder of the term of the directors they are appointed to succeed. The directors of any corporation may, by a vote of the stockholders, be divided into one, two or three classes, the term of office of those of the first class to expire at the annual election next ensuing, of the second class one year thereafter, of the third class two years thereafter; and at each annual election held after such classification, directors shall be chosen for two or three years, as the case may be, to succeed those whose terms expire. But each director of a banking, trust or insurance company, or building and loan association, must own in his own right five shares of capital stock, and a majority of them must be residents of Kentucky during their term of office: Provided, however, That in the case of an insurance company, such company may, by by-laws, require that each director own a greater number of shares of stock than five and may, by by-law, require that such qualifying shares be deposited with the treasurer of the company: Provided further, That the above-mentioned clause, declaring that all elections for directors shall be by ballot, and shall be held in this state, shall not apply to corporations created and organized for educational purposes only, and having no capital stock, and in which tuition to students is free.

H. B. 199. An Act to repeal, amend, and re-enact Sections 4042a-8 and 4042a-10 of Baldwin's Kentucky Statutes,

Carroll's 1930 Edition, relating to the compensation of the county tax commissioner—maximum fees and allowance for deputies and deductions for omitted lists.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4042a-8 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed, amended and re-enacted, so that when repealed, amended and re-enacted it shall read as follows:

The county tax commissioner shall, after he has returned his assessment books to the county court clerk, present to the county court his account, verified by affidavit, stating the total assessed value of the property listed by him as shown by his assessment books, and the county court shall approve and allow eighty per cent (80%) of the amount due the county tax commissioner, based upon his assessment. When a copy of said order of allowance is presented to the Department of Finance, it shall, upon approval by the Department of Revenue, authorize payment of the county tax commissioner for the amount so approved and allowed. When the county board of supervisors has completed its work and the same has been certified to the Department of Revenue showing the total assessed value of the property of the county, the county tax commissioner shall present his account for the balance due to the county court, which shall be allowed in the manner now provided by law, and upon approval by the Department of Revenue of the balance due the Department of Finance shall authorize payment to the county tax commissioner for the remaining twenty per cent (20%) due for the services required of him by law, which shall be based on the total value of the assessment made by him as finally equalized by the county board of supervisors as follows: Five cents (5c) on the one hundred dollars (\$100.00) of the first million dol-

lars (\$1,000,000) and two cents (2c) on each one hundred dollars (\$100.00) of the excess over one million dollars (\$1,000,000). Ten cents (10c) for each poll listed where there is only a poll list, and no taxable property listed there shall be allowed and paid by the fiscal court out of the money derived from the collection of county poll taxes, but no county tax commissioner shall be entitled to receive more than four thousand dollars (\$4,000) for his services during any year. Provided, that the allowance of ten cents per poll listed shall not be applicable to any commissioner during his present term.

In counties in which the assessed value of property exceeds twenty million dollars (\$20,000,000) the county tax commissioner shall be allowed as compensation to the deputies appointed and qualified the sum of fifteen hundred dollars (\$1,500) for each seven and one-half million dollars (\$7,500,000) of property which may be assessed in excess of twenty million dollars (\$20,000,000); provided, however, the total sum allowed to any county tax commissioner and his deputies shall not exceed seven thousand dollars (\$7,000) in any county except in a county having a city of the first class and in such county the present law shall remain in force. The counties shall allow to the county tax commissioner for assistance fifteen hundred dollars (\$1,500) in any county assessing more than thirty-five million dollars (\$35,000,000) in taxable property. In counties where the assessment does not exceed one million dollars (\$1,000,000) the county tax commissioner shall be paid six cents (6c) on the one hundred dollars (\$100.00) of the entire property listed. In counties containing a city of the second class on the first of April, one thousand nine hundred and twenty-two, and the first of each calendar month thereafter, the Department of Finance shall authorize payment for three hundred dollars, which shall be paid to the county tax commissioner, said three hundred dollars being an advancement to the tax commissioner by the

Commonwealth of Kentucky to defray necessary official expenses and partial payment upon the salaries of himself and deputies. Said sum shall be deducted from the total paid the tax commissioner by law when the yearly settlements are made. Should the tax commissioner die, resign or be removed from office, or should the office of tax commissioner in counties containing a city of the second class for any cause become vacant, the sums advanced hereunder shall be deducted from the yearly settlement when said settlement is made.

Provided, however, that the tax commissioner of any county may obligate and spend any of the compensation earned by him over and above that actually used in compensating himself and his deputies and assistants as herein provided, or over and above that herein authorized as the maximum compensation for himself, his deputies and assistants, for the purchase of any maps, lists, charts, materials, supplies or equipment which is necessary to the proper assessment of property in the county, and not required by law to be furnished by the county, the fiscal court thereof, or the State: provided, however, that such purchases may be made only with the approval of the Department of Revenue. Upon approval of such expenditures by the Department of Revenue, the necessity of such expenditures shall not be questioned, provided compensation earned under the provisions of the law is adequate during any fiscal year to meet, firstly, the compensation of the county tax commissioner, his deputies and assistants, and secondly, all obligations arising from such purchases, provided, further, that any maps, lists, charts, materials, supplies or equipment so purchased shall become the property of the county, to be used by the incumbent tax commissioner and his successors as provided by law or prescribed by the Department of Revenue.

Section 4042a-10 of Carroll's Kentucky Statutes, 1930

Edition, is hereby repealed, amended and re-enacted to read as follows:

4042a-10.—A reduction of fifty cents (50c) shall be made from the county tax commissioner's compensation for each list he shall fail to report for taxation or report without authority of law, and one dollar (\$1.00) for each duplicate assessment. Provided, however, that the reduction of fifty cents (50c) herein provided for failure to list or report for taxation shall not apply to any list which a county tax commissioner may secure and file with the Department of Revenue for the taxpayer, as provided in Chapter 21 of the Fourth Extraordinary Session of 1936 General Assembly of Kentucky.

The county tax commissioner shall be liable on his bond for all deductions authorized by law to be made for duplicated or omitted lists. After the sheriff has made his final settlement with the Auditor of Public Accounts (Department of Revenue after the first Monday of January, 1940) for the year, the sheriff shall report on oath to the fiscal court at their next term a list of all persons, with their taxable property, so far as is known to him, who were omitted by county tax commissioner, also the names of any persons duplicated by the county tax commissioner, and it shall be the duty of the fiscal court to certify such lists to the Department of Revenue for appropriate action, as provided by law. A duplicate copy of such list shall also be certified by the fiscal court to the county tax commissioner, who is hereby authorized to secure listings of such property without incurring a reduction in compensation.

H. B. 244. An Act repealing, amending and re-enacting Sections 2739g-13 and 2739g-65 of Baldwin's 1936 Edition of Carroll's Kentucky Statutes, relating to transfers of motor vehicles and providing penalties for violations of certain statutes relating to motor vehicles.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2739g-13, Baldwin's 1936 edition of Carroll's Kentucky Statutes, relating to transfers of motor vehicles, be repealed, amended and re-enacted, and when so amended and re-enacted shall read as follows:

Whenever an automobile that has been previously registered changes ownership, the registration plates and container shall remain upon such automobile as a part thereof until the expiration of the registration year; subject, however, to the following provisions:

1. No person acting for himself or another shall offer for sale or trade any such automobile without then and there having in his actual physical possession the clerk's receipt for the registration fee for the current year. The copy of the registration receipt shall be visible at all times in the drivers' compartment. Said copy shall be carried in a container that will protect same and that may be removed only by mutilation of said registration receipt and without injuring or destroying said container.

2. No person shall sell or trade any such automobile without transferring by endorsement of the owner and delivering to the purchaser the clerk's receipt for the registration fee for the current year.

3. No person acting for himself or another shall buy or trade for any such automobile without receiving the clerk's receipts for registration fee for the current year, endorsed as provided for above.

4. Upon such change of ownership, the purchaser, as the applicant for transfer of registration, shall present to the clerk the endorsed receipt of the original owner together with a copy of bill of sale, both of which the clerk shall retain, and the purchaser shall accompany same with a transfer fee of fifty cents (50c), for which the clerk shall issue a receipt bear-

ing the same data and information as is required on the original receipt, exhibit the change in name or address. For his services hereunder the purchaser shall pay the clerk an additional fee of fifty cents (50c). Said purchaser shall have in his possession a receipt showing such transfer before said automobile shall be operated upon any public highway in this Commonwealth. Provided, if the purchaser junks or otherwise renders the automobile unfit for future use as such he shall be relieved of the duty of transferring registration by the immediate delivery of registration plates, and endorsed receipt and second copy of bill of sale to the clerk, whereupon the clerk shall immediately return said plates, receipt, and copy of bill of sale to the Department of Revenue, and for these services the purchaser shall pay the clerk the sum of fifty (50c) cents. The Department of Revenue shall furnish all necessary blanks and supplies for carrying out the provisions of this Act; said supplies and equipment to be paid for out of the general funds received by the State for the annual licensing of automobiles.

§ 2. That section 2739g-65, Baldwin's 1936 Edition of Carroll's Kentucky Statutes, providing penalties for violations of certain statutes relating to motor vehicles, be repealed, amended and re-enacted, and when so amended and re-enacted shall read as follows:

(a) Any person violating the provisions, or any of them, of sections 2739g-2, 2739g-3, 2739g-4, 2739g-5, 2739g-6, 2739g-7, 2739g-8, 2739g-9, 2739g-10, 2739g-11, 2739g-12, 2739g-13, 2739g-14, 2739g-22, 2739g-23, 2739g-24, 2739g-25, 2739g-26, 2739g-27, 2739g-28, 2739g-29, 2739g-30, 2739g-31, 2739g-32, 2739g-33, 2739g-34, 2739g-35, 2739g-36, 2739g-37, 2739g-38, 2739g-39, 2739g-40, 2739g-41, 2739g-42, 2739g-43, 2739g-44, 2739g-45, 2739g-46, 2739g-47, 2739g-48, 2739g-49, 2739g-50, 2739g-51, 2739g-57, 2739g-61, and 2739g-62, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) for each offense.

(b) Any person violating the provisions, or any of them, of sections 2739g-53, 2739g-54, 2739g-55, 2739g-56, 2739g-59, and 2739g-60, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00) nor more than two thousand dollars (\$2,000.00), or by imprisonment in the county jail for not exceeding one year, or both by such fine and imprisonment within or to the maximum of both.

(c) The above subsections (a) and (b) shall not be construed in any way as relating to the penalty fixed by section 2739g-58 of this act.

H. B. 345. An Act to regulate the practice of professional engineering; creating a State Board of Registration for Professional Engineers; defining its powers and duties; imposing certain duties upon the State and political subdivisions thereof in connection with public work; and providing penalties.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *General Provisions*—That in order to safeguard life, health, and property, any person practicing or offering to practice professional engineering, shall hereafter be required to submit evidence that he is qualified so to practice and shall be registered as hereinafter provided; and it shall be unlawful for any person to practice or to offer to practice in this State, professional engineering as defined in the provisions of this Act, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a professional engineer, unless such person has been duly registered under the provisions of this Act.

§ 2. *Definitions—Engineer*—The term engineer as used

in this Act shall mean a professional engineer as hereinafter defined.

Professional Engineer—The term professional engineer as used in this Act shall mean a person who is qualified by reason of his knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and practical experience, to engage in the practice of professional engineering as hereinafter defined.

Engineering—The term engineering as used in this Act shall mean professional engineering as hereinafter defined.

Professional Engineering—The practice of professional engineering within the meaning and intent of this Act includes any professional service, such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction, or operation, in connection with any public or private utilities, structures, machines, equipment, processes, works, or projects, wherein the public welfare, or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.

Practice in Kentucky—The practice of professional engineering in Kentucky is hereby defined to include all professional services defined under "Professional Engineering" above together with the negotiation or solicitation for engineering work on any project within the boundaries of this state, regardless of whether the persons engaged in such practice are residents of Kentucky or have their principal office or place of business in this or any other state or country, and regardless of whether such persons are performing one or all of these duties, or whether they are performed in person or as the directing head of an office or organization performing them.

Act Inapplicable to Certain Operators, Etc.—The practice of professional engineering shall neither include the work ordinarily performed by persons who operate or maintain machinery or equipment, such as locomotive, stationary, ma-

rine or power plant operators, nor such work embraced within the practice of land surveying.

Board—The term “Board” as used in this Act shall mean the State Board of Registration for Professional Engineers, provided for by this Act.

§ 3. *Board—Appointments—Terms*—A State Board of Registration for Professional Engineers is hereby created whose duty it shall be to administer the provisions of this act. The Board shall consist of five professional engineers, who shall be appointed by the Governor and shall have the qualifications required by Section 4. The members of the first Board shall be appointed within ninety days after the passage of this Act, to serve for the following terms: One member for one year, one member for two years, one member for three years, and two members for four years, from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the Board shall receive a certificate of his appointment from the Governor and before beginning his term of office shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his official duty. Each member of the Board first appointed hereunder shall receive a certificate of registration under this Act from said Board. On the expiration of the term of any member, the Governor shall in the manner hereinbefore provided appoint for a term of four years a registered professional engineer, having the qualifications required by Section 4, to take the place of the member whose term on said Board is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified. At no time shall more than two members be appointed from the faculties of the Engineering Colleges of the Commonwealth. The Dean of the College of Engineering of the University of Kentucky shall be an ex officio member of the Board.

§ 4. *Board—Qualifications*—Each member of the Board

shall be a citizen of the United States and a resident of this State for five years and shall have been engaged in the practice of the profession of engineering for at least twelve years and shall have been in responsible charge of important engineering work for at least five years. Responsible charge of engineering teaching may be construed as responsible charge of important engineering work, provided that at no time shall more than two members whose qualifications are based on responsible charge of engineering teaching, be appointed to the Board. All members of the Board shall be registered Professional Engineers.

§ 5. *Compensation and Expenses*—Each member of the Board shall receive the sum of not more than Ten Dollars (\$10.00) per diem when actually attending to the work of the Board or any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual traveling, incidental and clerical expenses necessarily incurred in carrying out the provisions of this Act.

§ 6. *Removal of Members—Vacancies*—The Governor may remove any member of the Board for any cause which he deems sufficient. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the Governor as provided in Section 3.

§ 7. *Board—Organization and Meetings*—The Board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such time as the by-laws of the Board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The Board shall elect or appoint annually the following officers: A Chairman, a Vice-Chairman, and a Secretary-Treasurer. A quorum of the Board shall consist of not less than three members, but action shall not be deemed to have been taken upon any question unless there are at least three (3) votes in accord.

§ 8. *Board—Powers*—The Board shall have the power to adopt and amend all by-laws and rules of procedure, not inconsistent with the constitution and laws of this State, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The Board shall adopt and have an official seal.

In carrying into effect the provisions of this Act, the Board, under the hand of its Chairman and the seal of the Board, may subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in a case involving the revocation of registration or practicing or offering to practice without registration. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. If any person shall refuse to obey any subpoena so issued, or shall refuse to testify or produce any books, papers, or documents, the Board may present its petition to such authority as may have jurisdiction, setting forth the facts, and thereupon such authority shall, in a proper case, issue its subpoena to such person, requiring his attendance before such authority and there to testify or to produce such books, papers, and documents, as may be deemed necessary and pertinent by the Board. Any person failing or refusing to obey the subpoena or order of the said authority may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the authority.

§ 9. *Receipts and Disbursements* — The Secretary-Treasurer of the Board shall receive and account for all moneys collected under the provisions of this Act, and shall pay the same into the State Treasury monthly between the first and tenth of each month, to be credited to a revolving fund as provided in Section 14, Article 3 of the Budget and Financial Administration Act of 1934; and the amount so collected and paid into the State Treasury during each of the fiscal years ending June 30, 1939 and June 30, 1940, hereby is appropriated for the use and benefit of said Board. The

withdrawal and use of said funds shall be in the manner authorized by said Budget and Financial Administration Act of 1934, and the "Governmental Reorganization Act" of 1936. The Board shall be subject to the provisions of Section 8, of Article 16 of said Reorganization Act.

The Secretary-Treasurer shall give a surety bond to the Board in such sum as the Board may determine. The premium on said bond shall be required as a proper necessary expense of the Board. The Secretary-Treasurer of the Board shall receive such salary as the Board shall determine, in addition to the compensation and expenses provided for in Section 5. The Board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the Board is reasonably necessary for the proper performance of its duties under this Act, including the expenses of the Board's delegates to National Conventions of, and membership dues to, the National Council of State Boards of Engineering Examiners or other affiliated National Boards or Societies. Under no circumstances is the Board authorized to contract any debt or incur any expense, which together with the expenses and compensation provided for in this Act, shall in the aggregate, exceed the amount of funds derived under the provisions of this Act.

§ 10. *Records and Reports*—The Board shall keep a record of its proceedings and a register of all applications for registration which register shall show (a) the name, age, and residence of each applicant; (b) the date of the application; (c) the place of business of such applicant; (d) his educational and other qualifications; (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether a certificate of registration was granted; (h) the date of the action of the Board; and (i) such other information as may be deemed necessary by the Board.

The records of the Board shall be prima facie evidence of the proceedings of the Board set forth therein, and a tran-

script thereof, duly certified by the Secretary of the Board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

Annually, as of June 30, the Board shall submit to the Governor a report of its transactions of the preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the Board, attested by affidavits of its Chairman and Secretary-Treasurer.

§ 11. *Roster*—A roster showing the names and places of business of all registered professional engineers shall be published by the Secretary of the Board during the month of July of each year. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State, and furnished to the public upon request.

§ 12. *General Requirements for Registration*—The following shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a professional engineer, to-wit:

(a) *Graduation Plus Experience*—Graduation from an approved engineering curriculum of four years or more in a school or college approved by the Board as of satisfactory standing; and a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the Board, and indicating that the applicant is competent to practice professional engineering (in counting years of experience, the Board at its discretion may give credit, not in excess of one year, for satisfactory graduate study in engineering); or

(b) *Examination Plus Experience*—Successfully passing a written, or written and oral, examination, designed to show knowledge and skill approximating that attained through graduation from an approved four-year engineering curriculum; and a specific record of eight years or more of experience in engineering work of a character satisfactory to the Board and indicating that the applicant is competent to practice professional engineering.

(c) *Engineers of Long Established Practice*—A specific record of twelve years or more of lawful practice in professional engineering work of a character satisfactory to the Board and indicating that the applicant is qualified to design or to supervise construction of engineering works and provided applicant is not less than thirty years of age.

Character—No person shall be eligible for registration as a professional engineer, who is not of good character and reputation. The conviction on any felonious charge or having at any time been legally proven mentally incompetent shall make any applicant ineligible under this section.

Teaching Credits—In considering the qualifications of applicants, engineering teaching may be construed as engineering experience.

Education Credits—The satisfactory completion of each year of an approved curriculum in engineering in a school or college approved by the Board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience in Section 12, (1) b. Graduation in a curriculum other than engineering from a college or University of recognized standing may be considered as equivalent to two years of experience in Section 12 (1) b; provided; however, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications.

Work as Contractor—The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be practice in professional engineering.

Non-Practicing Applicants—Any person having the necessary qualifications prescribed in this Act to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

Corporations Cannot Register—The practice of engineer-

ing is a professional service, admission to which shall be determined upon a basis of individual, personal qualifications. No firm, company, partnership or corporation can be registered.

Liability of Representatives of Non-Registered Persons—It shall be hereafter unlawful for any person, firm or corporation to avoid, or seek to avoid, the provisions of this Act by having a representative or employee seek engineering work in their behalf, or for them, unless, and until such persons have duly qualified and become registered; otherwise both those represented and the representative, the employer and employee, shall be deemed equally guilty of violation of this Act. Solicitation of engineering work shall be construed as offering to practice professional engineering and it shall be unlawful for any but registered engineers to do so.

§ 13. *Applications and Registration Fees*—Applications for registration shall be on forms prescribed and furnished by the Board, shall contain statements made under oath, showing the applicant's education and detail summary of his technical work, and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of his engineering experience.

The registration fee for professional engineers shall be not to exceed twenty-five dollars (\$25.00), not to exceed fifteen dollars (\$15.00), of which shall accompany application, the remainder to be paid at such time or times as may be determined by the Board. When a Certificate of Qualification issued by the National Bureau of Engineering Registration is accepted as evidence of qualification, the total fee for registration as professional engineer shall be not to exceed ten dollars (\$10.00).

Should the Board deny the issuance of a certificate of registration to any applicant the initial fee deposited shall be retained as an application fee.

§ 14. *Examinations*—When oral or written examinations

are required, they shall be held at such time and place as the Board shall determine. If examinations are required on fundamental engineering subjects (such as are ordinarily given in college curricula) the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit for a period of ten years.

The scope of the examinations and the methods of procedure shall be prescribed by the Board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health, and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration in professional engineering. A candidate failing on examinations may apply for re-examination at the expiration of six months and will be re-examined without payment of additional fee. Subsequent examinations will be granted upon payment of a fee to be determined by the Board.

15. *Certificate—Seals*—The Board shall issue a certificate of registration upon payment of registration fee as provided for in this Act, to any applicant who, in the opinion of the Board, has satisfactorily met all the requirements of this Act. The Board shall be authorized to designate the various recognized branches of professional engineering and to classify the applicant in the branch or branches in which he is qualified to practice. The certificate shall authorize the practice of "professional engineering" in the branch or branches granted. Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the Chairman and the Secretary-Treasurer of the Board under seal of the Board.

The issuance of a certificate of registration by this Board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered pro-

fessional engineer, while the said certificate remains unrevoked or unexpired.

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the Board, bearing the registrant's name and the legend, "Registered Professional Engineer." Plans, specifications, plats, and reports approved by a registrant shall be stamped with the said seal when filed with public authorities, during the life of the registrant's certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or re-issued.

§ 16. *Expirations and Renewals*—Certificates of registration shall expire on the last day of the month of June following their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Secretary-Treasurer of the Board to notify every person registered under this Act, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewals may be effected at any time during the month of June by the payment of a fee not to exceed ten dollars (\$10.00). The failure on the part of any registrant to renew his certificate annually in the month of June as required above shall not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of June shall be increased ten per cent for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. Registrants failing to renew certificates within one year after expiration shall be required to furnish the Board with satisfactory evidence that they are of good character and reputation and have continued to uphold the ethics of the profession. If the evidence submitted is unsatisfactory to three (3) or

more members of the Board of Certificate of Registration will not be renewed.

§ 17. *Practitioners at Time Act Became Effective*—At any time within one year after this Act becomes effective, upon due application therefor and the payment of the registration fee not to exceed fifteen dollars (\$15.00) for professional engineers, the Board shall issue a certificate of registration, without oral or written examination, to any professional engineer who shall submit evidence under oath satisfactory to the Board that he is of good character, has been a resident of the State of Kentucky for at least one year immediately prior to the effective date of this Act, and was practicing professional engineering at the time this Act became effective, and has performed work of a character satisfactory to the Board.

After this Act shall have been in effect one year, the Board shall issue certificates of registration only as provided for in Section 12 or Section 19 thereof.

§ 18. *Public Work*—After the first day of May, one thousand nine hundred and thirty-nine, it shall be unlawful for this State or for any of its political sub-divisions, such as a county, city, town, township, or borough to engage in the construction of any public work involving professional engineering, unless the plans, specifications, and estimates have been prepared and the construction executed under the direct supervision of a registered professional engineer or a registered architect: provided, that nothing in this Section shall be held to apply to any public work wherein the contemplated expenditure for the completed project does not exceed two thousand dollars (\$2,000.00); and also provided, that nothing in this section shall be held to apply to the maintenance or repair of any existing state or county highway. Nothing in this Act shall be construed as excluding a registered architect from such engineering practice as may be incident to the practice of his profession; or as excluding a professional engineer registered under the provisions of this Act, from such

architectural practice as may be incident to the practice of professional engineering.

§ 19. *Reciprocity*—The Board may, upon application therefor, and the payment of a fee not to exceed ten dollars (\$10.00), issue a Certificate of Registration as a Professional Engineer to any person who holds a Certificate of Qualification or Registration issued to him by proper authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registration, or of any State or Territory or Possession of the United States, or of any Country, provided that the requirements for the registration of professional engineers under which said Certificate of Qualification or Registration was issued do not conflict with the provisions of this Act and are of a standard not lower than that specified in Section 12 of this Act. The Board shall have the power to set up all rules and regulations governing the matter of reciprocity with other states and countries.

§ 20. *Revocations*—The Board shall have the power to revoke the certificate of registration of any registrant who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration;

(b) Any gross negligence, incompetency, or misconduct in the practice of professional engineering as a registered professional engineer.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with Secretary-Treasurer of the Board

All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the Board, and a copy of the charges, together with a notice of

the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant, at least thirty days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense.

If, after such hearing, three or more members of the Board vote in favor of finding the accused guilty, the Board shall revoke the certificate of registration of such registered professional engineer.

Reissuance of Certificates—The Board, for reasons it may deem sufficient, may re-issue a certificate of registration to any person whose certificate has been revoked, providing three or more members of the Board vote in favor of such reissuance. A new certificate of registration, to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the Board, and a charge of not to exceed three dollars (\$3.00) shall be made for such issuance.

Appeals—Any person who shall feel aggrieved by any action of the Board in denying or revoking his certificate of registration may appeal therefrom to the Circuit Court held in Frankfort, Ky., and, after full hearing, said Court shall make such decree sustaining or reversing the action of the Board as to it may seem just and proper.

§ 21. *Violations and Penalties*—Any person who shall practice, or offer to practice, professional engineering in this State without being registered in accordance with the provisions of this Act, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board, or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an ex-

pired or revoked certificate of registration, or any person, firm, or corporation who shall furnish free engineering service as a part of any other contract so drawn as to defeat the spirit of this Act, or any person who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or suffer imprisonment for a period not exceeding three months, or both.

The Board, or such person or persons designated by the Board, is empowered to prefer charges for any of the above violations in any Circuit Court of the state. When such charges have been properly brought it shall be the duty of the Commonwealth's Attorney of any Circuit Court District to enforce the provisions of this Act and to prosecute any person violating the same. The Attorney General of the State, or his assistant, shall act as legal advisor of the Board and render such legal assistance as may be necessary in carrying out the provisions of this Act. The Board may, at its discretion, employ such other legal assistance as it may deem necessary.

§ 22. *Saving Clause*—This Act shall not be construed to prevent or to affect:

(a) *Other Professions or Trades*—The practice of any other legally recognized profession or trade; or

(b) *Employees and Subordinates*—The engaging in engineering as a pupil of, or under the direction of a registered professional engineer, provided that said practice may not include responsible charge of design or supervision as principal; or

(c) *Government Officers and Employees*—The practice of officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for said Government; or

(d) Nothing in this Act shall be construed as requiring

registration for the purpose of practicing professional engineering by an individual, firm or corporation on property owned or leased by said individual, firm or corporation unless the same involves the public safety or public health; or for the performance of engineering which relates solely to the design or fabrication of manufactured products; or

(e) An engineer engaged solely as an officer or employee of a privately owned public utility; or as an officer or employee of a corporation engaged in interstate commerce as defined in the Act of Congress, entitled "An Act to Regulate Commerce" approved February 4, one thousand eight hundred and eighty-seven as amended; or

(f) The practice of any elective officer of the State, County, or other political subdivision while carrying out the duties of the office to which he was elected.

§ 23. *Quarters*—Suitable office quarters shall be provided by the Board at its own expense.

§ 24. *Invalid Section*—If any Section or Sections of this Act shall be declared unconstitutional or invalid, this shall not invalidate any other Section of this Act.

§ 25. *Repeal of Convicting Legislation*—All laws or parts of laws in conflict with the provisions of this Act shall be, and the same are hereby, repealed.

§ 26. *Short Title*—This Act may be cited as "The Engineering Act of 1938".

H. B. 387. An Act to repeal, amend and re-enact Section 3142b-11, Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3142b-11, Kentucky Statutes, Baldwin's 1936 Revision, be and the same is hereby repealed, amended

and re-enacted so that when amended and re-enacted the same shall read as follows:

RETIREMENT AFTER FIFTEEN YEARS; PENSION.

Any member of the police or fire department of such cities, having served twenty (20) years or more and consecutively for the last five years of said twenty years; or any person who has served fifteen years and consecutively for the last five years of said fifteen years, who may have become so disabled as to render him unfit for such service, on proof of such disability may make application to be relieved from duty in said department and, upon it becoming established that his petition is founded upon conditions which reasonably entitle him to such leave, the Board of Trustees shall order and direct that such person be paid a monthly pension equal to one-half of the amount of the salary he is, or was, in receipt of as a member of such department.

It is further provided that the benefits provided for in this Act shall accrue to any person who, within the twelve months immediately preceding the adoption and approval of this Act, has been forced to retire from such service by reason of disability.

Ordered that said bills and resolutions be printed and

Referred to the Committee on Rules.

Senator Gilbert moved that the Senate do now recess until 2 o'clock, P. M.

Said motion was agreed to.

And then the Senate recessed.

AFTERNOON SESSION

The appointed hour having arrived, the President of the Senate resumed the Chair and called the Senate to order.

Senator Hall moved that the rules be suspended and the privilege of the floor be extended to Mr. Roy Krabill of Woodford County, Kentucky.

Said motion was unanimously agreed to.

Senator J. Lee Moore moved that the rules be suspended and the privilege of the floor be extended to Mrs. Joe Moore and Mrs. V. A. Phillips.

Said motion was unanimously agreed to.

Senator Ray B. Moss moved that the rules be suspended and the privilege of the floor be extended to Mr. E. Thompson and Mr. J. W. Ahearn of Lexington, Kentucky.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 17. Resolution authorizing Kurt W. Krafft, or his personal representative if he should die within one year from the date this Act becomes effective, to sue the County of Jefferson.

Said resolution is as follows, viz.:

WHEREAS, on the third of November, one thousand nine hundred thirty-seven, (1937) Kurt W. Krafft of Anchorage, Jefferson County, Kentucky, was injured while riding

in a passenger automobile which collided with a truck owned by the County of Jefferson and operated by Arthur Gellhaus, an employee of Jefferson County, engaged at that time in hauling stone for Jefferson County road construction.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Kurt W. Krafft, or his personal representative should he die within one year from the date this Act becomes effective, be and he is hereby authorized and permitted to sue the County of Jefferson in the Circuit Court of Jefferson County, Kentucky, for such damages as he suffered by reason of personal injuries and property damage, sustained or by reason of his death should such occur within one year from the date this act become effective, through the carelessness or negligence of Jefferson County, its agents or employees. Said suit shall be for any amount not exceeding the sum of \$10,000.00, Ten Thousand Dollars, and in the event of a recovery of judgment by the said Kurt W. Krafft, or by his personal representative in said suit, or same is compromised or settled, said judgment or sum shall be paid by the County of Jefferson, by the order of the Fiscal Court drawn on the Treasury of said County.

Either party to said suit may appeal from any judgment which may be entered therein, as in any other civil suit, and the case may be settled, adjusted or compromised as any other suit, with the consent of the County Attorney of Jefferson County.

Senator Gilbert moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 37. A resolution authorizing Ethel Carr, a mar-

ried woman, to sue the Jefferson County Fiscal Court and/or Jefferson County, Kentucky.

Said resolution is as follows, viz.:

WHEREAS, on the 24th day of November, 1934, the Jefferson County Fiscal Court and/or Jefferson County, Kentucky, was engaged in Jefferson County, Kentucky, in transporting certain County employees in a 1933 Chevrolet truck, license number T 5216 (1934) on the Shelbyville Road, two miles east of Middletown, Kentucky, at English Station; and

WHEREAS, it is alleged that the truck, driven by one Ed Fey, a Jefferson County employee, was negligently operated on said road; and

WHEREAS, Ethel Carr, a passenger in an automobile driven by her brother, Virgil Goff, was injured severely and critically, when said truck owned by the Jefferson County Fiscal Court and/or Jefferson County collided with the automobile in which she was riding;

NOW in order to determine by judicial action the question of negligence causing said injuries aforesaid;

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ethel Carr in her own right and name be and she is hereby authorized to file and prosecute and appeal an appropriate action against the Jefferson County Fiscal Court and/or Jefferson County for the purpose of determining the liability of the Jefferson County Fiscal Court and/or Jefferson County and such injuries, if any there be.

§ 2. Such action may be brought in any Circuit Court of the Commonwealth of Kentucky which may have jurisdiction of the subject matter or may be joined with any action or actions pending, wherein Circuit Courts have competent jurisdiction of the subject matter and parties.

Senator Gilbert moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 33. A concurrent resolution providing for the creation of a commission to plan for a proper observance of the One Hundred and Fiftieth Anniversary of the admission of Kentucky into the Union.

Said resolution is as follows, viz.:

Whereas, 1942 will mark the one hundred and fiftieth anniversary of the admission of the Commonwealth of Kentucky as a State in the United States of America; and

Whereas, a proper observance of this important event should be made in the Commonwealth in 1942; and

Whereas, the Kentucky State Historical Society has, by resolution, of date June 7, 1937, recommended the creation by the General Assembly of a Commission as contemplated herein:

Therefore be it Resolved by the General Assembly of the Commonwealth of Kentucky, the Senate and the House of Representatives concurring:

That the Commonwealth of Kentucky do participate in the celebration of said anniversary, and for the purpose of preparing a program for such celebration a State Commission of the Commonwealth of Kentucky is hereby established, the same to be known as the Kentucky Sesquicentennial Commission and to be composed of nine (9) citizens of the Commonwealth appointed by the Governor of the Commonwealth of Kentucky, with the Governor an ex-officio member of the same. Said Commission shall serve without compensation.

In the event said Commission should recommend to the General Assembly the appropriation of public funds for the financing in whole or in part of any observance of the one hundred and fiftieth anniversary of Kentucky's admission as

a State into the United States of America, the Commission shall also recommend to the General Assembly at the same time revenue measures which will raise the amount of the proposed appropriation.

The Commission shall consider every phase of the history of the Commonwealth and its varied resources in the performance of their duties, and shall report their findings to the General Assembly when desirable.

The Commission shall invite the cooperation of the Kentucky State Historical Society, the Filson Club, and other historical organizations existing in the Commonwealth in planning for said sesquicentennial celebration.

Senator Gilbert moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Stanley Blake	Dr. D. H. Bush
Aubrey Barbour	Ollie J. Bowen	Edwin C. Dawson
Paul M. Basham	Leer Buckley	Lee Gibson

Ralph Gilbert	J. Lee Moore	J. E. Trager
John M. Hall	Dr. R. C. Moss	Ervine Turner
H. Watt Hillman	Ray B. Moss	E. T. Wesley
Strother Melton	Ira W. See	Otis White
J. W. McDonald	Paul L. Sidebottom	O. C. Whitfield
E. C. Moore	John A. Sugg, Jr.	—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 38. Resolution authorizing and permitting Mrs. Arthur Brown, administratrix of the estate of J. T. Brown, deceased, to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz.:

Section One (1). WHEREAS, in the fall of one thousand nine hundred and thirty-six (1936), while on Highway No. 60 near Hardinsburg, Breckinridge County, Kentucky, J. T. Brown, age twelve (12) years, was run over by a State Highway grader which was at the time being operated by the employees of the State Highway Commission, and was so severely and painfully injured that he died shortly thereafter, and

WHEREAS, it is claimed that said accident was entirely caused and brought about by the gross negligence and gross carelessness of the agents, servants and employees of the

State Highway Commission in the operation of said truck belonging to the State of Kentucky, or the State Highway Commission, and

WHEREAS, the estate of the said J. T. Brown has been damaged because of the alleged carelessness and negligence of the said employees while in the discharge and conduct of the State's business: Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Mrs. Arthur Brown, administratrix of the estate of J. T. Brown, deceased, be, and she hereby is authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either in the Circuit Court of the county of her residence, for such damages as the estate of said J. T. Brown, deceased, may have suffered by reason of the death of said J. T. Brown caused through the carelessness or negligence of the State Highway Commission, its agents or employees. Said suit shall be for any amount not exceeding the sum of Five Thousand Dollars (\$5,000.00), and in the event any judgment is recovered by said Mrs. Arthur Brown, administratrix of the estate of J. T. Brown, deceased, in said suit for the death of J. T. Brown, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasury and paid out of the general fund.

Section Two (2). Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Senator Gilbert moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 63. A resolution authorizing and empowering

Anna Henderson Smith personally and/or through a guardian, to file suit against Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky.

Said resolution is as follows, viz.:

WHEREAS, on the 25th day of December, 1937, near the city limits of Lexington, Kentucky, on the Leestown Pike in Fayette County, Kentucky, an automobile of the Fayette County Patrol and then and there being operated, managed, controlled and used by an employee of Fayette County, Kentucky, and in which Anna Henderson Smith was a passenger, had an accident, and the said Anna Henderson Smith was critically injured as a result of said accident, and

WHEREAS, the said Anna Henderson Smith was then, and is now, an infant and will not be twenty-one years of age until August, 1938

NOW, in order to determine by judicial action the question of whether the operator of said automobile was negligent and the said Anna Henderson Smith is entitled to damages against Fayette County, Kentucky, for her injuries,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Anna Henderson Smith shall be, and she is hereby, empowered and authorized to sue Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky, in her own name and right in the Fayette Circuit Court in Lexington, Kentucky, when she becomes twenty-one years of age, or the said Anna Henderson Smith may at this time, through a duly qualified and acting guardian sue Fayette County, Kentucky, and/or the Fiscal Court of Fayette County, Kentucky, and if said suit is still pending when the said Anna Henderson Smith reaches the age of twenty-one years she may join in said suit in her own right and may continue the prosecution of said suit, either of said suits to be for the purpose of determining the liability, if any, of Fayette County, Ken-

tucky, and/or the Fiscal Court of Fayette County, Kentucky, for the injuries sustained by the said Anna Henderson Smith as a result of said accident.

Senator Gilbert moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said reso-

lution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. No. 40. Resolution authorizing Thomas Marshall of Frankfort, Kentucky, to sue the Commonwealth of Kentucky and/or the State Highway Commission or either.

Said resolution is as follows, viz.:

WHEREAS, on or about March 12, 1936, Thomas Marshall, a resident of Frankfort, Kentucky, while seated in an automobile was injured when the same ran off of Highway No. 157 between Sulphur and Sligo, Kentucky, in Henry County, and wherein it is claimed that while riding in said automobile the driver thereof, in the proper use of the highway, drove through a breach in a retaining wall in said highway near Sulphur and just below Sulphur High School, running over an embankment and whereby he was injured,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Thomas Marshall be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission or either in the Franklin Circuit Court, the county of the residence of said Marshall, for damages for the loss of earning power, physical suffering and for personal injuries sustained by him whether temporary or permanent which were all brought about and existed by the negligence of the said Highway Commission in suffering and permitting said breach in said retaining wall at said point on Highway No. 157 between Sulphur and Sligo to be and remain

open, thus causing the motor vehicle to enter said breach in said retaining wall and to run over the embankment.

In event any judgment is recovered by the said Thomas Marshall in said suit for injury to himself or upon any account, or the same is compromised or settled, said judgment shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer out of the State fund. Either party to the said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as in any other civil case.

Senator Gilbert moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Stanley Blake	Dr. D. H. Bush
Aubrey Barbour	Ollie J. Bowen	Edwin C. Dawson
Paul M. Basham	Leer Buckley	Lee Gibson

Ralph Gilbert	J. Lee Moore	J. E. Trager
John M. Hall	Dr. R. C. Moss	Ervine Turner
H. Watt Hillman	Ray B. Moss	E. T. Wesley
J. W. McDonald	Ira W. See	Otis White
Strother Melton	Paul L. Sidebottom	O. C. Whitfield
E. C. Moore	John A. Sugg, Jr.	—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 15. Resolution authorizing Luther H. Phillips, personal representative of Edward Phillips, deceased, to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky or either of them.

Said resolution is as follows, viz.:

WHEREAS, on or about the Fourth (4) day of November, One Thousand nine hundred thirty-six (1936), Edward Phillips of Greensburg, Green County Kentucky, was drowned while crossing Cumberland River on a ferry boat where State Highway number sixty-one (61) crosses said river, about one mile (1) south of Burksville, Kentucky, and while he was sitting in a truck which he had been driving and while being ferried across said river, and by reason of the carelessness and/or negligence of the persons in charge of the operation of said ferry boat and the time and place, the said truck rolled off of said ferry boat and into the river, and the said Edward Phillips was drowned.

WHEREAS, said ferry boat was at the time under the control of the State Highway Commission of Kentucky and was being operated by its agents and employees, and that by reason of the carelessness and/or negligence of the persons in charge of the operation of said ferry boat, the truck in which the said Edward Phillips was sitting was caused to roll off of said ferry boat and the said Edward Phillips lost his life.

WHEREAS, The said Edward Phillips was at the time of his death a resident of Green County, Kentucky, that he was 27 years of age, unmarried; and that his father, Luther H. Phillips, has duly qualified as the personal representative of said Edward Phillips, deceased, in the Green County Court.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Luther H. Phillips, the personal representative of Edward Phillips, deceased, be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky or either of them, in the Circuit Court of Green County, Kentucky, the county of the residence of the said Edward Phillips at the time of his death, for such damages as the estate of the said Edward Phillips sustained by reason of his death caused by the carelessness and/or negligence of the State Highway Commission of Kentucky, its agents or employees. Said suit shall be for any amount not exceeding the sum of Ten Thousand (\$10,000.00) Dollars, and in the event any judgment is recovered by the said Luther H. Phillips as personal representative of said decedent, or same is compromised or settled by consent or approval of the Attorney General of Kentucky, the same shall be paid by the Auditor of Public Accounts of Kentucky by warrant on the State Treasurer of Kentucky and paid out of the general fund.

§ 2. Either party to said suit may appeal from any

judgment which may be rendered therein as in other civil cases.

Senator Gilbert moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said reso-

lution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 39. Resolution authorizing the personal representative of Dr. Thomas Ralston, deceased, to file suit against the Commonwealth of Kentucky or the Highway Department of Kentucky one or both, to recover damages for wrongful injury and death.

Said resolution is as follows, viz.:

WHEREAS, on the 20th day of August, 1937, Dr. Thomas Ralston received injuries to his person through the negligent operation of a truck employed by the State Highway Commission, from which injury, Dr. Thomas Ralston immediately thereafter died.

NOW THEREFORE, be it resolved that the personal representative of the said Dr. Thomas Ralston be and he is now empowered and authorized to institute and prosecute a civil action for damages for said wrongful injury and death of Dr. Thomas Ralston in the McCreary Circuit Court against the Commonwealth of Kentucky or the State Highway Commission of Kentucky, by whatever name known, or either of them, within one year from this date.

Senator Gilbert moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 47. A resolution authorizing Raymond Hall to

sue the Commonwealth of Kentucky and the Department of Agriculture, Labor and Statistics.

Said resolution is as follows, viz.:

Whereas, on the 15th day of May, 1936, on Highway 31-W in the county of Warren, three miles north of the city of Bowling Green, a truck belonging to the Commonwealth of Kentucky and the Department of Agriculture, Labor and Statistics, operated by an employee of the state of Kentucky, while said employee was acting within the scope of his authority, struck a car driven by Raymond Hall injuring the said Hall, and resulting in the loss of his left arm, and,

Whereas, said employee was negligently and carelessly and recklessly operating said truck and said collision was not due to any negligence on the part of said Hall, now, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Raymond Hall be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Agriculture, Labor and Statistics, or both, or either of them, in the circuit court of Warren County, Kentucky, the locus of said collision for such damages as he suffered by reason of personal injuries, loss of time, pain and suffering, permanent injury and impairment of his ability to earn money. Said suit shall be for an amount not exceeding seven thousand, five hundred (\$7,500) dollars, and in the event any judgment is recovered, or the same is compromised, or settled, by the Attorney General of the Commonwealth, same shall be paid by the Auditor of Public Accounts by warrant drawn on the state treasury, paid out of the general fund. Either party to said suit may appeal from any judgment and the case may be compromised, settled or adjusted with the consent and approval of the Attorney General of Kentucky in the same way and manner as any other civil suit.

Senator Gilbert moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. B. 38. An act empowering Dr. L. S. Siler of Whitley County, Kentucky, to institute and maintain action against the Commonwealth of Kentucky for damages, and, in event of recovery providing for payment of judgment recovered in said action.

Said bill is as follows, viz.:

WHEREAS Dr. L. S. Siler of Whitley County, Kentucky on April 9, 1937 sustained serious bodily injury and property loss while using U. S. Highway 25E between London in Laurel County, Kentucky and Corbin in Whitley County, Kentucky on account of collision with a train of motor vehicles owned by and being moved by the Commonwealth of Kentucky through the Highway Department of Kentucky and its employees, consisting of a truck, roller carrier, ten-ton roller and another highway truck, moving as one unit; and

WHEREAS the said Dr. Siler is asserting that such injury was due to the negligence of the persons operating said unit of vehicle at said time and place, feels aggrieved and desires to prosecute action to determine the question of liability, and recover damages on account of said injuries and loss;

NOW BE IT ENACTED by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Dr. L. S. Siler of Whitley County, Kentucky is hereby empowered to institute and maintain in the Laurel Circuit Court and the Kentucky Court of Appeals, on appeal, a common law action against the Commonwealth of Kentucky seeking to recover damages for personal injuries and property loss alleged to have been sustained by him on April 9, 1937 on account of collision between his automobile and a unit of vehicles owned by the Commonwealth of Kentucky

and the State Highway Department of Kentucky, consisting of a truck, roller carrier, road roller and another truck. Said action shall be governed by all the rules and regulations of procedure in effect in this Commonwealth applicable to and governing common law actions and either party may prosecute appeal and appeals to the Kentucky Court of Appeals under any and all such rules so governing common law procedure in this state.

§ 2. This action may be brought within one year following the passage of this act. ,

§ 3. Any judgment, if any, recovered, by plaintiff shall be paid by the Commonwealth out of the general funds of the state.

§ 4. The defense of said action shall be under the direction and control of the Attorney General and he is authorized to settle said claim, if in his judgment it should be settled and at such sum as he will authorize and such sum shall be paid, if settled, as above provided.

§ 5. Any and all acts and parts of acts and laws in conflict herewith are hereby repealed.

Senator Gilbert moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

CALENDAR

At the instance of the Committee on Rules, the Senate took up for consideration from the Calendar bills and resolutions of the following titles, viz.:

S. Res. 51. Resolution authorizing J. D. Johnson and George Appman to sue the Commonwealth of Kentucky.

S. Res. 12. Resolution authorizing John R. Clarke, Jr., and Edith S. Clarke to sue the Commonwealth of Kentucky, the State Highway Commission, or either or both of them.

S. Res. 13. Resolution authorizing the personal representative of Jasper Johnson, deceased, to file and prosecute

suit against the Commonwealth of Kentucky and the State Highway Commission or either of them.

S. Res. 41. A joint resolution of the Senate and House for the payment of witness claims herein mentioned.

H. Res. 26. Resolution authorizing Elmo M. Robertson to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

H. Res. 8. Resolution authorizing D. J. Harman of Wayland, Kentucky, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

H. Res. 14. A RESOLUTION, authorizing, permitting and empowering Lina Throckmorton and/or Harold Throckmorton, either or both of them, jointly or separately, to sue the Commonwealth of Kentucky and the State Highway Commission, (now Department of Highways), either or both.

H. Res. 12. Resolution. Damages to Automobile.

H. Res. 48. A resolution authorizing the personal representative of Jasper Barnett to sue the Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, or either or both of them, for damages for the death of Jasper Barnett who lost his life when struck by a truck owned and operated by the Department of Highways (formerly State Highway Commission) of the Commonwealth of Kentucky.

H. Res. 25. A resolution authorizing the personal representative of Mrs. Alda Dever, deceased, Logan Dever, and William Dever, or either of them, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

S. Res. 54. Resolution authorizing F. W. Childers to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

H. Res. 13. Resolution authorizing D. J. Harman of Wayland, Kentucky, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

H. Res. 18. Resolution authorizing and permitting Sill Hamilton to sue the Commonwealth of Kentucky.

H. Res. 30. Resolution authorizing the personal representative of William Anderson to sue the Commonwealth of Kentucky and the State Highway Commissioner or either of them.

H. Res. 45. Resolution authorizing Bedford Daniel, Administrator of the estate of Henderson Daniel, deceased, to file suit against the Commonwealth of Kentucky for damages caused by the death of said Henderson Daniel, deceased.

H. Res. 36. Resolution authorizing James M. Towe to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

H. B. 7. An Act to amend and re-enact Section 3235 DD-49 of the 1933 Supplement to the 1930 Edition of Carroll's Kentucky Statutes, being Chapter 91, Section 34 of the Acts of 1930, pertaining to the abolition of the City Manager Form of Government or the Commission Form, and providing for the manner in which same may be done.

H. B. 18. An Act to amend Section 2554c-1 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 47. An Act relating to duly licensed and practice-

ing attorneys at law, in counties containing cities of the first or second class, and providing for compensation for said attorneys for legal services performed and rendered by them in representing paupers charged with the commission of a felony, when said attorneys are ordered by the judge of the Circuit Court to so do; and providing that the amount of said compensation shall be determined and fixed by the judge of the Circuit Court of said counties containing first or second class cities; and providing that the amount of said compensation shall be based upon the nature of the charge and the time and expense consumed and incurred in preparing and trying the case; and providing that in no event shall the compensation be less than ten (\$10.00) dollars nor more than one hundred and fifty (\$150.00) dollars; and further providing that all awards so made shall constitute valid claims against the county containing said cities of the first or second class wherein the indictment is returned; and providing for appeals to the Court of Appeals for said awards; and repealing all acts or parts of acts, and all laws or parts of laws in conflict herewith.

H. B. 49. An Act to amend Section 4399-32 Kentucky Statutes, Carroll's 1936 Edition, relating to expenses of board members for attending meetings.

H. B. 51. An Act to prohibit the Board of Education or Superintendent of Public Schools of any city within this Commonwealth from adopting any rules or regulations or having any rules, regulations, laws or policy in the restraint of marriage of any public school teacher who has had five years or more teaching experience within the public schools of this Commonwealth, and declaring and carrying into effect the public policy of this State with respect to marriage.

H. B. 55. An Act to repeal, amend and re-enact Sections 112-1 to 117a inclusive, Carroll's Kentucky Statutes,

1936 Revision, said sections being chapter 32 of the Acts of 1908, Chapter 113 of the Acts of 1928, Chapter 21 of the Acts of 1912, Chapter 23 of the Acts of 1924, and Chapter 100 of the Acts of 1892, relating to the office of Attorney General of the Commonwealth of Kentucky and his assistants, defining the duties of said Attorney General and his assistants, providing for the salary of said Attorney General and his assistants and providing for the clerical, stenographic and other help employed in the office of the Attorney General, and providing for a limit upon the annual expenditures for such stenographic, clerical and other help so employed by the office of the Attorney General, and providing for the purchase by the Attorney General, with the approval of the Department of Finance, of such books and other office equipment and supplies as may be deemed necessary by the Attorney General for use in the office of Attorney General.

H. B. 43. An Act to repeal, amend and re-enact Section 2739g-33, Carroll's Kentucky Statutes, 1936 Edition, relating to conditions under which vehicles shall not operate upon the highways, providing the manner in which chains may be used, providing for the width of tires, and providing for the weight in the tire per inch on said vehicles and further regulating the use of said roads in regard to tractors thereupon.

H. B. 64. An Act creating and establishing as a part of the primary system of State Highways of the Commonwealth of Kentucky a road leading from Hitchins, Kentucky, in Carter County, to Grayson, Kentucky.

H. B. 71. An Act amending and re-enacting Section 532 of Carroll's Kentucky Statutes, 1930 Edition.

H. B. 73. An Act to amend and re-enact Section 3187d Kentucky Statutes.

H. B. 74. An Act amending charters of cities of the second class to provide for the creation of a civil service commission, prescribing their duties and declaring their qualifications; providing for examination of all applicants for municipal employment; providing for the dismissal of employees and to provide for appeal to Circuit Court and Court of Appeals; providing for the creation of a board of trustees of a pension fund, prescribing their duties; authorizing the establishment and maintenance of a pension fund and stipulating a limitation by such cities with limitations herein provided for.

H. B. 80. An Act relating to revenue and taxation; and repealing, amending and re-enacting Section One (1) Chapter Sixty-Nine (69) of the Acts of the General Assembly of the Commonwealth of Kentucky passed at the regular session of the General Assembly which was begun in the City of Frankfort, Kentucky, on Tuesday, January ninth (9), one thousand nine hundred and thirty-six, and ended on Saturday, February fifteen (15), one thousand nine hundred thirty-six, and entitled: "An Act relating to revenue and taxation; and repealing, amending and re-enacting Section One of Chapter Twenty (20) of the Acts of the General Assembly of the Commonwealth of Kentucky passed at the Extraordinary Session of the General Assembly which was begun in the City of Frankfort, Kentucky, on Wednesday, May ninth (9), one thousand nine hundred thirty-four (1934), and ending on Monday, July second (2), one thousand nine hundred and thirty-four (1934)."

H. B. 88. An Act to establish as a part of the Primary System of State Highways, a road in Martin County, Ky., known as the Little Elk road.

H. B. 90. An Act to establish as a part of the Primary System of State Highways, a road in Johnson County, Ky., known as the Buffalo Van Lear road.

H. B. 93. An Act to amend and re-enact Section 2241 of the Kentucky Statutes, Baldwin's 1936 Revision, providing for additional jury commissioners and prescribing their duties.

H. B. 101. An Act to amend and re-enact Section 1443 Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 103. An Act to repeal, and re-enact, Sections 73-1 to 73-15 inclusive, Carroll's Kentucky Statutes, 1936 Edition (Chapter 168 of the Acts of the 1930 General Assembly of the Commonwealth of Kentucky) regulating the Practice of Architecture in the Commonwealth of Kentucky; creating a State Board of Examiners and Registration of Architects; providing for appointment of the members thereof; describing the powers and duties of the said Board; providing for the registration and examination and issuance of certificates to qualified registered architects; providing for exemptions to this Act; describing what constitutes the practice of architecture; providing for renewals of certificates and for suspensions, revocations and refusal to renew; providing for the right of trial in cases of suspension or revocation and for right of appeal from the Board's decisions therein; providing for penalties for violation of the provisions of this Act.

H. B. 105. An Act to provide approved high school service for all pupils.

H. B. 106. An Act providing for the repeal, amendment and re-enactment of Section 2937g-7, Carroll's Kentucky Statutes, as revised by Baldwin's Edition in 1936, relating to government owned automobiles and fixing penalties for improper use of same.

H. B. 109. An Act amending Section 2739g-2c of Carroll's Kentucky Statutes, 1936 Edition, pertaining to registra-

tion fees for passenger automobiles, motorcycles, and side-car attachments; as amended the section shall apply also to trailers used exclusively for passenger service or living quarters.

H. B. 112. An Act to amend and re-enact Sections 1462 and 1465 Carroll's Kentucky Statutes, (Baldwin's 1936 Revision), relating to ballots, the printing thereof; duties of the Secretary of State and County Clerks relating thereto; and penalties for the violation thereof.

H. B. 116. An Act to amend Section 1243 Carroll's 1930 Edition, Kentucky Statutes, by adding thereto the words "Provided that if the offense be committed within the corporate limits or the prosecution originated in the police court of any city or town within this Commonwealth the person convicted for the offense shall be confined in the city or town jail of the municipality in which the offense was committed and conviction had, if such a jail be maintained and kept by such municipality."

H. B. 123. An Act to amend Section 127 of the Criminal Code of Practice, Baldwin's Revision of 1932, so that the offenses of forgery and uttering a forged instrument may be charged in one indictment.

H. B. 131. An Act amending and re-enacting Section 3235dd-33 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, being an act relating to appointment of city managers in cities of the second class.

H. B. 132. An Act amending and re-enacting Section 2251 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, an act relating to pay of grand jurors and the time they may remain in session.

H. B. 133. An Act amending and re-enacting Section

4281f-1 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, being an act relating to a tax on admissions.

H. B. 139. An Act establishing as a part of the primary system of State Highways of the Commonwealth of Kentucky a road from Campton, Wolf County, Kentucky, starting from Highway Number 15 at or near the J. L. Horton property via Hiram's Branch, Rock Bridge which crosses Swiss Camp Creek to junction with Federal Road leading from Pine Ridge to Route No. 40 at or near Sky Bridge near the mouth of Swiss Creek, same to be named "Natural Bridge Trail".

H. B. 140. An Act establishing as a part of the primary system of State Highways in the Commonwealth of Kentucky a road leading from Stanton in Powell County, Kentucky, via Knowlton in Powell County, Kentucky, Furnace, Kentucky, to junction with Highway Number 52 at or near Tipton Ridge, Kentucky.

H. B. 141. An Act to amend Section 733 of the Kentucky Statutes, Carroll's Edition of the year 1930, relating to the investment of the capital stock and accumulations of real estate title insurance companies, to authorize such companies to invest in such securities as domestic insurance companies (other than life) are authorized by law to invest their capital, surplus, and accumulations in, and to enter into agreements to protect the interest of such companies in securities lawfully held by them, to foreclose on property pledged to them, to participate in the reorganization of any corporation whose securities they hold, and to accept and retain securities distributed pursuant to a plan of reorganization of any such corporation, to the same extent as domestic insurance companies (other than life) are authorized by law to do.

H. B. 142. An Act to establish as a part of the primary system of highways of the Commonwealth of Kentucky a road

running from Leisure in Morgan County, Kentucky, to Oak Hill and from Oak Hill following the ridge to the Morehead-West Liberty Highway.

H. B. 151. An Act providing for the payment of the premium on the Official Bonds of County Clerks, County Sheriffs, County Jailers, and Circuit Clerks, in counties containing a population of 75,000 or more and which said officers pay their fees into the State Treasury, and the allowance of such premiums as a valid claim against the State and the manner in which same shall be paid by the State.

H. B. 155. An Act to exempt disabled war veterans from poll tax.

H. B. 156. An Act to repeal Chapter One Hundred and Fifteen (115) of the Acts of the General Assembly at its 1916 Session, and Chapter 55 of the Acts of the General Assembly at its 1920 Session, and enacting in lieu thereof an act to provide a stenographer in the County Attorney's Office in counties containing a city of the first class, prescribing the method of appointment and removal, salary and method of appointment and removal, salary and method of payment of said salary.

H. B. 160. An Act to amend and re-enact section four (4) and section seven (7) of chapter one hundred and eleven (111) of the Acts of the General Assembly at its 1936 session, approved February 27, 1936, defining certain of the powers and duties of the Statute Committee.

H. B. 173. An Act to amend and re-enact Section 3142b-4 and Section 3142b-5 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to policemen and firemen's pension fund in cities of the second class, in the Commonwealth of Kentucky.

H. B. 180. An Act to amend Section nine hundred sixty-five (965) Carroll's Kentucky Statutes, 1936 Edition, and being the time of holding court in the twenty-fourth Judicial District composed of Johnson and Martin Counties and fixing the time therefor, relating to Circuit Courts.

H. B. 182. An Act to amend and re-enact section 2573, Kentucky Statutes.

H. B. 186. An Act relating to the deposit of securities by domestic Life Insurance companies with the Treasurer of the Commonwealth providing for the exchange and surrender of such securities, prescribing the duties of the treasurer with reference thereto and appropriating funds for the purpose of this Act, repealing all laws and parts of laws in conflict with said Act.

H. B. 195. An Act amending charters of cities of the fourth class to provide for the creation of a Civil Service Commission, prescribing its duties and declaring the qualifications of its members; providing for examination of all applicants for positions as members of the police and fire departments in such cities; providing for the appointment and dismissal of policemen and firemen and providing for appeal to the circuit court and Court of Appeals; providing for the creation of a Board of Trustees of a pension fund for policemen and firemen and prescribing the duties of such board; providing for the establishment and maintenance of a pension fund and providing for a tax levy and stipulating a limitation therefor.

H. B. 196. An Act to repeal, amend and re-enact Sections 3494, 3487, 3504, 3509, 3510 and 3531, Kentucky Statutes, Carroll's 1936 Edition, annotated by Baldwin, said sections being a part of chapter 241 of the Acts of 1893 of the General Assembly of the Commonwealth of Kentucky, and being

respectively Sections 3, 6, 22, 27, 28 and 49 of said chapter; and repealing all acts and parts of acts in conflict with this act.

H. B. 213. An Act to repeal, amend and re-enact section 979b-5 Carroll's Kentucky Statutes, 1936 Edition, and being a part of the Acts of the General Assembly of 1936 regular session, and part of Chapter 30 of said Acts relating to probation and postponement of rendition of judgment in cases tried in the Circuit Courts and the quarterly courts of this commonwealth.

H. B. 219. An Act to amend and re-enact Articles V and VI of Chapter eighty-five (85), being Sections 2619 to 2635b-5 inclusive of Carroll's Kentucky Statutes, 1936 edition, relating to regulating the practice of pharmacy in the Commonwealth of Kentucky and to establish a Board of Pharmacy and define the powers and duties thereof.

H. B. 221. An Act relating to the sale, control and licensing of the sale of appliances, drugs and medical preparations intended or having special utility for the prevention of venereal diseases.

H. B. 225. An Act providing for an exemption from the State's lien upon the estate of a recipient of old age assistance.

H. B. 226. An Act to provide special lien books to county clerks, and for the keeping of a record of liens against the estates of recipients of old age assistance by county clerks.

H. B. 227. An Act to vest powers of notary public in the Director and all official representatives and field investigators of the Division of Public Assistance.

H. B. 233. An Act to repeal, amend and re-enact Section 4281e-8 of Carroll's Kentucky Statutes, Baldwin's 1936 Revised Edition, and Section 4281e-10 of Baldwin's 1937 Supplement to Carroll's Kentucky Statutes, being part of an act entitled "An Act concerning revenue and taxation," and declaring an emergency.

H. B. 238. An Act to amend and re-enact Section 1456 of the Kentucky Statutes, Carroll's 1936 Edition, being Section 11, Article 3 of Chapter 65 of the Acts of the General Assembly of 1892, as amended by Section 1 of Chapter 37 of the Acts of the General Assembly of 1918, relating to and providing for the time of filing of certificates and petitions of nomination.

H. B. 256. An Act to exempt single unit stores from filing reports and paying the license tax as heretofore required by repealing, amending and re-enacting Sections 4202a-15 and 4202a-17 of Carroll's Kentucky Statutes, 1936 Edition, to provide for the proration of such license tax among multiple owners of the tax subject and to require merchants to file reports with and pay the tax to the Department of Revenue.

H. B. 265. An Act to repeal, amend and re-enact Section 2985 Carroll's Kentucky Statutes, Baldwin's 1936 Edition.

H. B. 267. An Act entitled An Act to amend Sections 2801b-3 and 2801b-9 of Kentucky Statutes relating to the establishment and maintenance of Free Public Libraries in cities of first class, and to increase the amount which such libraries may be permitted to borrow.

H. B. 275. An Act to amend and re-enact Section 2741, Kentucky Statutes Carroll's 1936 Edition relating to

cities of the second, third and fourth class establishing and leasing and sub-leasing aviation fields.

H. B. 295. An Act repealing, amending and re-enacting Section 965-13, Kentucky Statutes, 1936 Edition.

H. B. 307. An Act to amend an act entitled: "An Act for the government of cities of the first class in the Commonwealth of Kentucky," approved July 1, 1893, and providing for an election upon the question of annexation in any area already comprising or a part of an incorporated municipality; fixing the procedure and the time when the question can again be submitted if rejected.

H. B. 178. A bill to define and regulate, as a profession and in the public interest the practice of public accountancy, to prohibit the practice of public accountancy by unauthorized persons, to establish the Kentucky State Board of Accountancy, to grant to the board usual and necessary administrative powers, to define the status of a certified public accountant, to provide for granting and issuing certificates, registration cards and permits to accountants who qualify under and comply with the provisions of this act, to provide for revoking and cancelling or suspending certificates, registration cards and permits, to prescribe the conditions under which partnerships (and corporations) may engage in the practice of public accountancy, to fix the fees to be paid to the State for certificates, registration cards and permits, to provide for the annual publication of the names and addresses of the persons, partnerships (and corporations) holding permits to engage in the practice of public accountancy, to determine the ownership of professional papers, to recognize certain specifically limited exemptions, to provide penalties for violation of the provisions of this act, and to repeal all acts and parts of acts inconsistent with the pro-

visions thereof specifically Chapter 9 of the Acts of 1916 being Sections 3941e-1 to 3941e-16 inclusive of Carroll's Kentucky Statutes annotated Baldwin's 1936 Edition.

H. B. 241. An Act repealing and re-enacting Section 762b-5 Kentucky Statutes relative to providing funds for the administration of the Act of 1920, Chapter 16, pertaining to fire marshals and superintendents of fire insurance rates.

H. B. 114. An Act to define, regulate and license real estate brokers and real estate salesmen in cities of the first and second class, and within five miles from the corporate limits thereof; to create a state real estate commission; and to provide a penalty for violation of the provisions thereof.

H. B. 220. An Act imposing taxes on motor vehicles for hire used primarily for the transportation of passengers operating under a certificate of convenience and necessity or permit issued by any governmental authority of this State or any other State, or under any Federal Act; and imposing an additional tax on taxicabs, "U-Drive-Its" and city busses and repealing all laws and parts of laws in conflict with this Act.

H. B. 45. An Act to authorize the establishment of sanitary districts in counties containing cities of the first and second classes and the powers of the county and state board of health with reference thereto and providing that such districts may include areas of other counties near to or adjoining such counties containing first and second class cities; providing for the powers of the district; creating the office of commissioner of sanitary districts and providing for his powers and duties; providing procedure and conditions under which the district and its boundaries may be established and certificate of incorporation issued, and defining certain terms used in the act. Providing for the appointment, powers and

duties of the governing body, officers and employees of such districts; providing for the plans of the improvements of the district and the supervision of the state board of health with reference thereto and the approval of the qualifications of the engineer; authorizing the entry upon lands for the purpose of making surveys and obtaining data for preliminary purposes of the district; authorizing the district to acquire and own lands and personal property and interests and uses therein in this state and elsewhere including existing sanitary works; authorizing district to condemn lands and granting dominant right of eminent domain over others authorized to condemn land for public purposes including counties, cities, school districts, municipal corporations, common carriers, public utilities, subdivisions and arms of the government of the Commonwealth but not restricting to those just named; authorizing governing body of district to fix rates and rentals and to contract and make rules and regulations for the management and government of the district and providing supervision of such rules and regulations by the state board of health; restricting and prohibiting installation of other sanitary works within the district and enforcing the use of the district's works; affording injunctive relief; authorizing district to contract with individuals and others and with the governments of the United States and of other adjoining states and their political subdivisions, arms and branches; providing for financing of the organization, construction, maintenance and operation of the district and all improvements and property belonging to the district; authorizing the levy of a tax, the issuance of original bonds, refunding and deficiency bonds, the borrowing of money, collection of revenues, securities for bonds and funds borrowed; the creation of statutory mortgage liens to secure bonds and the enforcement of such liens, and the management and investment of all funds belonging to the district; authorizing counties to cooperate and assist in the organization of districts and to loan

or expend funds therefor; exempting the bonds issued by the district from taxation; providing for the rights of creditors of such district and enforcement of their claims; requiring all users of the services of the district to pay therefor including municipalities, school districts and all public and private organizations and political subdivisions; providing for the extension, addition or improvement of the works of the district and the issuance of bonds therefor and providing the security for such bonds; providing penalties for interference and violation of this act and the rules and regulations promulgated thereunder, and requiring liberal construction of this Act.

H. B. 277. An Act to repeal an act entitled "An Act to direct certain terms of the Kenton Circuit Court to be held in Covington," passed and approved February 21, 1850.

H. B. 260. An Act to repeal an Act entitled "An Act to provide for establishing county courts at Covington," passed and approved the 11th day of February, 1858.

H. B. 266. An Act amending Sections 30 and 38 of an Act entitled "An Act relating to Courts of Justice. Article I. Court of Appeals. Article II. Circuit Courts. Article III. Quarterly Courts. Article IV. County Courts. Article V. County Judge. Article VI. Justices' Courts. Article VII. Change of Venue," passed and approved June 10, 1893.

H. B. 270. An Act to repeal, amend and re-enact Section 2768 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 276. An Act to amend and re-enact an act entitled, "An Act to provide for the care, custody and maintenance of court houses and the courtrooms and offices there-

in and the public grounds adjacent thereto in counties containing cities of the second class", passed and approved March 23, 1908.

H. B. 208. An Act relating to and providing for the extension of teachers' certificates in the Commonwealth of Kentucky; the length of time and by whom extended; providing for the payment of fee in connection with the extension of same; and declaring the terms under which same may be extended.

H. B. 320. An Act relating to the improvement of streets, alleys and other public ways and sidewalks including curb and gutter or parts thereof in cities of the second, third, fourth, fifth and sixth classes by contract with or in cooperation with the Works Progress Administration or other agency of the Federal Government or of the State of Kentucky and providing for the assessment of the abutting property owners to raise money for that purpose and granting a lien against the property of said abutting property owners to secure the payment of said assessment and providing for the enforcement of said lien and the collection of said assessment.

H. B. 284. An Act to amend Section 5 of Chapter 27 of an act approved March 22nd, 1916, relating to Fraternal Benefit Societies, by adding "Subsections 3 and 4; repealing all laws in conflict with this Act to the extent of such conflict."

H. B. 292. An Act to Amend and Re-enact Section Two Thousand Seven Hundred and Forty (2740) Kentucky Statutes, one thousand nine hundred and thirty-six, (1936) Edition, also Chapter 71 of the Acts of the General Assembly of Kentucky of 1936, relating to the classification of Cities.

H. B. 287. An Act to repeal, amend and re-enact Sec-

tion 2984 Carroll's Kentucky Statutes, Baldwin's 1936 Edition.

H. B. 236. An Act to amend and re-enact section 561 of Carroll's Kentucky Statutes, Baldwin's 1933 Supplement, being Chapter 48 of the Acts of 1932, which is an act concerning the termination of the existence of corporations, and how such termination is effected.

H. B. 278. An Act to repeal an act entitled "An Act to fix the portion of county and municipal expenses to be paid by the City of Covington in the County of Kenton," passed and approved the 18th day of March, 1886.

H. B. 252. An Act to be known and designated as the Roger Wells Act, changing the name of Glasgow Junction, Barren County, Kentucky, to the name of Park City, Barren County, Kentucky.

H. B. 253. An Act setting the time for renewing certificates and for meeting renewal requirements.

H. B. 280. An Act to amend Section 9 of An Act entitled "An Act relating to Clerks", passed and approved February 27, 1893.

H. B. 135. An Act to repeal, amend and re-enact Section 2380b-9, Sections 2380b-11, and Section 2380b-12, of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to the mode of electing officers for Drainage Districts provided for under these sections, and fixing their compensation, and declaring an emergency.

H. B. 279. An Act to repeal An Act entitled "An Act authorizing the Presiding Judge of Kenton County to hold

quarterly terms in Covington'', passed and approved December 20, 1851.

H. B. 299. An Act enabling cities of the second, third, fourth, fifth and sixth classes of the Commonwealth, to organize, maintain and employ bands or orchestras, for public musical purposes, and empowering such municipalities to levy and collect not exceeding ten mills taxes upon assessed valuation of property of such municipalities for the maintenance or employment of such musical organization.

H. B. 108. An Act to amend and re-enact subsection 98a-5 of Carroll's Kentucky Statutes, 1936 Edition, same being an Act of the Kentucky Legislature, 1936 session; and being a part of Chapter 6 at pages 29 to 31 of the Acts of said Legislature, regulating the qualifications and admission to practice of law of applicants in the State of Kentucky.

H. Res. 3. Resolution authorizing L. V. Stone to sue the Commonwealth of Kentucky.

H. Res. 9. Resolution authorizing Fannie B. Anderson, Sallie B. Jones and Ada Hathaway respectively to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

H. Res. 10. Resolution authorizing John R. Clarke, Jr., and Edith S. Clarke to sue the Commonwealth of Kentucky, the State Highway Commission, or either or both of them.

H. Res. 16. Resolution authorizing the personal representative of Jasper Johnson, deceased, to file and prosecute suit against the Commonwealth of Kentucky and the State Highway Commission or either of them.

H. Res. 14. Resolution authorizing W. J. Hockaday to

file suit against the Commonwealth of Kentucky or the State Highway Commission, or either.

H. Res. 23. Concurrent resolution memorializing Congress of the United States to speedily enact effective tobacco control legislation to insure parity prices for tobacco growers.

H. Res. 24. Resolution authorizing Richard Cox, Frank Anderson and Earl Dacon, to sue the Commonwealth of Kentucky and Fish and Game Commission of the Commonwealth or either.

H. Res. 28. Resolution authorizing Mrs. Joe Pence to sue the Commonwealth of Kentucky and the State Highway Commission, or either of them.

H. Res. 29. Resolution authorizing Joe Pence to sue the Commonwealth of Kentucky and the State Highway Commission, or either of them.

H. Res. 32. Joint Resolution authorizing the State Department of Health to cooperate with the Public Health Service and the Children's Bureau under titles five and six of the Social Security Act.

H. Res. 34. Resolution authorizing Milton McGrew to sue the Commonwealth of Kentucky and/or the State Highway Commission.

H. Res. 35. Resolution appropriating the sum of Two Hundred and Fifty (\$250.00) Dollars for the purpose of paying Miss Sarah Margaret Layman for her services rendered as stenographer to the investigating committee appointed by the Speaker of the House and the President of the Senate during the 1936 session of the General Assembly, which committee investigated certain alleged interlineations in a bill then

pending before the House of Representatives and authorizing the Auditor of Public Accounts to draw his warrant for said sum in favor of Miss Sarah Margaret Layman and authorizing the Treasurer to issue check for said sum to Miss Sarah Margaret Layman for her services.

H. Res. 41. Resolution authorizing and permitting Omelia Bowen Murphy to sue the Commonwealth of Kentucky and the Kentucky State Industrial College or either.

H. Res. 44. A Resolution authorizing and permitting O. B. Coffee to sue the Commonwealth of Kentucky and the State Highway Commission or either.

H. Res. 46. Resolution to provide for ten copies each of Carroll's 1936 Kentucky Statutes, Baldwin's 1937 Kentucky Statute Service and Carroll's 1938 Kentucky Codes of Practice for the use of the General Assembly, and providing for the payment of same.

H. Res. 49. A Resolution making December 12th Kentucky Day.

Senator Gilbert moved that the Constitutional provision as to the second reading at length of said bills and resolutions be dispensed with and same be read the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and resolutions being dispensed with, same were read the second time by their titles only and

Ordered placed in the Orders of the Day.

The President of the Senate vacated the Chair, which was occupied by Senator Edwin C. Dawson, President Pro Tem of the Senate, who presided.

Senator Ray B. Moss moved that the rules be suspended and the privilege of the floor be extended to Mr. Hub Petty and Senator J. L. Richardson of Louisville, Kentucky.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

S. B. 182. An Act to prohibit any person, or officer of the Commonwealth of Kentucky or any subdivision thereof from instituting or prosecuting proceedings to escheat real estate of lending corporations under the supervision of duly constituted public authority, and acquired in satisfaction of loan indebtedness to it, without first having obtained the consent of said supervising authority.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§1. No person or officer of the Commonwealth of Kentucky or any subdivision thereof, shall institute or prosecute proceedings to escheat real property the title to which was acquired by lending corporations in satisfaction of debts previously contracted in the course of its business, or that it may purchase under a judgment for any such debt in its favor, where said lending corporations are under the supervision of the Division of Banking of the Commonwealth of Kentucky, Comptroller of Currency of the United States, or any other duly constituted supervising banking authorities, state or fed-

eral, without first obtaining the consent of the supervising authority having supervision over the lending corporation.

Senator Gilbert moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leo King	Paul L. Sidebottom
Aubrey Barbour	J. W. McDonald	J. E. Trager
Paul M. Basham	Strother Melton	Ervine Turner
H. Stanley Blake	John M. Hall	Thomas O. Turner
Ollie J. Bowen	E. C. Moore	E. T. Wesley
Leer Buckley	J. Lee Moore	Otis White
Dr. D. H. Bush	Dr. R. C. Moss	O. C. Whitfield
Waller A. Crockett	Ray B. Moss	J. E. Wise
Lee Gibson	James C. Rogers	
Ralph Gilbert	Ira W. See	

—28

Resolved that the title thereof be as aforesaid—

Senator Barbour moved that the vote by which said bill

was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 36. A joint resolution appropriating \$50.00 from the General Fund of the State of Kentucky for the purpose of paying Ben C. Sewell, Jackson County, for services and expenses as special elisor to summon a venire of 50 men from Clark County for criminal jury service in the Breathitt Circuit Court.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky that:

WHEREAS, Ben C. Sewell was appointed as special elisor by the Breathitt Circuit Court at its regular October term, 1934, to go from Jackson to Clark County, Kentucky, a distance of eighty miles (80) for the purpose of, and did on the eighteenth (18th) day of November, 1934, summons a venire of fifty (50) men to render jury service in the Breathitt Circuit Court.

WHEREAS, the said Ben C. Sewell, in performing his services as aforesaid, did labor for the Commonwealth of Kentucky one (1) night and one (1) day and one-half ($\frac{1}{2}$) day and paid all his necessary expenses in so doing, which labor and expenses was reasonably worth fifty (50) dollars to the State.

NOW, Be It Resolved that there be and is hereby appropriated out of the General Fund of the State of Kentucky the sum of fifty (50) dollars for the purpose of paying Ben C. Sewell for services and expenses as special elisor of the

Breathitt Circuit Court in going to Clark County, Kentucky, and returning and summoning a venire of fifty (50) men for jury service in the said court on a murder trial, the case styled Commonwealth of Kentucky versus Hollan, Dunn, etc., and the Auditor of the State is authorized and directed to draw a warrant on said fund payable to the said Ben C. Sewell for the sum of fifty (50) dollars for his services and expenses aforesaid.

Senator Ervine Turner moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Aubrey Barbour	H. Watt Hillman	J. E. Trager
Paul M. Basham	Leo King	Ervine Turner
Ollie J. Bowen	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	Dr. R. C. Moss	Otis White
W. C. Farmer	Ray B. Moss	O. C. Whitfield
Lee Gibson	Ira W. See	J. E. Wise
Ralph Gilbert	Paul L. Sidebottom	
John M. Hall	Jos. P. Tackett	

—22

There voted in the negative—

James C. Rogers

—1

Resolved that the title thereof be as aforesaid—

Senator Ervine Turner moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 37. A joint resolution appropriating from the General fund of the State of Kentucky \$122.08 for the payment of claims ordered and issued by the Breathitt Circuit Court.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky that :

There be and is hereby appropriated from the General Fund of the State of Kentucky the sum of one hundred twenty-two dollars and eight cents (\$122.08) for the purpose of paying A. D. Carpenter, assignee of the following State claims ordered and issued by the Breathitt Circuit Court:

Bowman, Bedford, \$1.00; Bush, Mose, \$1.00; Bowling, George Ed, \$2.00; Campbell, Uleys, \$2.00; Chandler, Henry, \$2.00; Davidson, Beech, \$1.00; Deaton, Luther, \$2.00; Deaton, Virgil, \$1.00; Franks, Pearlle, \$17.00; Fugate, Walter, \$2.00; Gearett, Everett, \$3.00; Goff, James, \$1.00; Gross, Eliza, \$5.60; Hollon, Hazel, \$4.24; Henlsey, Flossie, \$4.04; Herald, Sq. Brack, \$1.00; Ingram, James, \$5.20; King, Cora, \$1.00; King, Eddie, \$1.00; King, Sherman, \$1.00; Landrum, Letha, \$2.00; Little, Floyd, \$2.00; Lovins, Charlie, \$1.00; McDaniel, Shady, \$3.00; Oaks, Jess, \$1.00; Osborne, Enoch, \$2.00; Salver, Charlie, \$9.12; Salver, Boyd, \$9.12; Smith, C. C., \$9.12;

Smith, Arch, \$1.00; South, America, \$2.00; Strong, Pete, \$3.00; Trent, Harry, \$3.00; Turner, Harvey, \$2.00; Vires, John D., \$2.00; Wilson, Sam, \$1.00; Young, Cletus, \$8.64; Goff, J. T., \$3.00.

That the State Auditor be authorized and directed to draw warrants for said amounts payable to the said A. D. Carpenter from said Fund.

Senator Ervine Turner moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Aubrey Barbour	H. Watt Hillman	J. E. Trager
Paul M. Basham	Leo King	Ervine Turner
Ollie J. Bowen	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	Dr. R. C. Moss	Otis White
W. C. Farmer	Ray B. Moss	O. C. Whitfield
Lee Gibson	Ira W. See	J. E. Wise
Ralph Gilbert	Paul L. Sidebottom	
John M. Hall	Jos. P. Tackett	

—22

There voted in the negative—

James C. Rogers

—1

Resolved that the title thereof be as aforesaid—

Senator Ervine Turner moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

S. B. 149. An Act abolishing West Kentucky Industrial College, located at Paducah, and providing for the transfer to the Kentucky State Industrial College, located at Frankfort, of all the records of the West Kentucky Industrial College, located at Paducah.

Senator Gilbert moved that said bill be recommitted to the Committee on Rules.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled, viz.:

S. Res. 45. A joint resolution memorializing the Congress of the United States with reference to Federal legislation affecting the lynchings and rape.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky, the Senate and House concurring, that the following Resolution be adopted, viz.:

WHEREAS, there is pending before the Congress of the United States a so-called anti-lynching bill; and,

WHEREAS, the crime of rape is more prevalent in the

United States than the crime of lynching, both of which are hereby denounced; and

WHEREAS, it is the sense of the General Assembly that the anti-lynching bill pending before Congress is contrary to the provisions of the Constitution of the United States, is subversive of its principles, an unwarranted encroachment on the police powers of the State, and unjust in its subjection of State police officers to heavy penalties for failure to prevent lynchings which in most cases they are powerless to do;

NOW, THEREFORE BE IT RESOLVED: That the Senators of the United States representing Kentucky, the senior of whom has frequently voted against the measure now pending, be and they are hereby petitioned to vote and use their powerful influence against the adoption of the iniquitous measure now pending. In the event, however, they subscribe to the opinion that the Constitution of the United States has been reposing in a museum, should be dusted off and made a living, breathing instrument, and that, therefore, Federal anti-lynching legislation is appropriate and legal, they are requested to offer and support an amendment to the pending bill likewise making the crime of rape one cognizable by the Federal Government, and providing indemnities for the victims of such crimes and their families at least equal in amount to those provided for the families of rapists or the victims of lynchings.

BE IT FURTHER RESOLVED; That copies of these resolutions be sent to Senator Alben W. Barkley and Senator M. M. Logan.

Senator Tackett offered the following amendment to said resolution by way of substitute therefor, viz:

WHEREAS, since the introduction of Senate Resolution No. 45, the Senate of the United States has shelved the anti-lynching bill, and,

WHEREAS, the passage of the said Senate Resolution No. 45 would be of no avail, now, therefore,

BE IT RESOLVED BY THE KENTUCKY SENATE THAT by way of substitution and in lieu of said Senate Resolution No. 45, it is now resolved by the Senate of the Commonwealth of Kentucky that the Senate of the United States of America be by this bill, commended for its action in shelving the said anti-lynching bill, and be it further resolved that a copy of this resolution be spread at large on the journal of this body and a copy furnished the press.

Said amendment thereto by way of substitute therefor was agreed to.

Senator Tackett moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Odered that said resolution be engrossed and read the third time.

: The Constitutional provision as to the third reading at length of said resolution being dispensed with, and the same being engrossed, said resolution was read the third time by its title only and passed.

• The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leer Buckley	H. Watt Hillman
Aubrey Barbour	Dr. D. H. Bush	Leo King
H. Stanley Blake	Lee Gibson	Strother Melton
Ollie J. Bowen	Ralph Gilbert	E. C. Moore

J. Lee Moore	John A. Sugg, Jr.	Otis White	
Dr. R. C. Moss	Jos. P. Tackett	B. M. Williams	
James C. Rogers	J. E. Trager	J. E. Wise	
Paul L. Sidebottom	Thomas O. Turner		—23

There voted in the negative—

Ervine Turner	—1
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Resolved that the title thereof be as aforesaid.

Senator Tackett moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Senator Buckley moved that the rules be suspended for the purpose of introducing a resolution.

Said motion was agreed to by a majority of the members elected.

Whereupon, a resolution of the following title was introduced, ordered printed and referred, as follows, viz.:

By Senator Buckley.

S. Res. 66. Resolution authorizing the personal representative of Hoyt Hedges, deceased, to file and prosecute suit against Fayette County, Kentucky, and the Fiscal Court of Fayette County, Kentucky.

Said resolution is as follows, viz.:

WHEREAS, one Hoyt Hedges, was employed as a laborer by Fayette County in said County's quarry and while in the course of his employment and in the performance of

the duties on or about the 25th day of October, 1937, fell through the floor in the loading platform at said quarry, and,

WHEREAS, said quarry is owned, operated and maintained by Fayette County and the Fiscal Court of Fayette County and as a direct result of injuries received in said fall, the said Hoyt Hedges died thereafter on December 13, 1937;

NOW, in order to determine by judicial action the question of the negligence of said County and its fiscal court and its employees in the premises;

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of said Hoyt Hedges be, and he is, hereby empowered and authorized to institute and prosecute a civil action for damages, and sue Fayette County, Kentucky, and the Fiscal Court of said County, for said wrongful injury and death of Hoyt Hedges and to determine the liability, if any, of said County and its fiscal court.

Said action may be brought within one year from the date of the passage of their resolution in the Fayette Circuit Court, for such injury and death and medical, surgical, ambulance, hospital and burial expense, and loss to said estate by reason of the destruction of the power of Hoyt Hedges to labor and earn money.

To Committee on Rules.

Senator Attkisson moved that the rules be suspended and the privilege of the floor be extended to Mr. Ray Kirchdorfer of Louisville, Kentucky.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

S. B. 77. AN ACT to enable any county of this Com-

monwealth, through its fiscal court, or any municipality, city, town or other voting district, through its legislative body or department to separately or jointly purchase, rent or lease voting machines to be used in any or all elections or primary elections; defining and establishing the requirements of said voting machines, the printing of official sample ballots, number of official ballots to be furnished, requiring instructions of voters in use of machine before election, requiring extra ballots in case of loss or theft, providing for emergency if machine is out of order, the method of conducting the election, the location of the voting machine during elections, the time allowed a voter to vote, instructing voters on election day, providing for blind or physically disabled voters, providing for announcing the vote at close of election, and locking the machines, and where the irregular ballots are to be returned, providing the disposition of keys, making the possession of keys to a voting machine by an unauthorized person a crime and providing a penalty therefor. Defining the meaning of crime used in this act, and repealing all acts in conflict herewith.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That from and after passing of this act it shall be and is hereby declared to be legal to conduct and hold elections in the Commonwealth of Kentucky, or any part thereof, either as is now provided for by law or in the manner hereinafter provided for in this act.

2. The Fiscal Court of any county, or the legislative branch or division of any municipality, city, town or other voting district within the Commonwealth of the State of Kentucky, are hereby empowered and authorized to, either separately or jointly, purchase, lease, rent or otherwise procure for use at any election or primary election, any kind of voting machine or machines meeting the requirements of this act, and

thereupon and thereafter such voting machines may be used in either a part of or in all of the precincts in such county, municipality, city, town or other voting district either at any or at all elections and/or primary elections held in such county, municipality, city, town or other voting district for voting, registering and counting the votes cast in such elections. After the municipality, city, town or other voting district shall have determined and decided to procure voting machines and adopt, either in whole or in part, the method of voting and conducting elections as herein provided for, notice thereof shall be published in some newspaper printed in the English language and of general circulation in said county, municipality, city, town or voting district. The purchase price or rental price of such machines, expenses, storage, equipment, maintenance, repair and costs of advertising, as above provided for shall be at the expense of and paid for by such county, municipality, city, town or voting district, to be allowed, approved and paid in the same manner as other claims are. All other costs of election such as compensation or pay to officers of election, rental of voting places, delivery of boxes, machines, ballots, election paraphernalia and other costs and expenses incident to the preparation for and conduct of elections shall be paid for by the same agencies or divisions of government and in the same manner as costs of elections are now or may hereafter be paid, except as may hereinafter be provided for.

§ 3. The Fiscal Court of the county, or the legislative body of the municipality, city, town or other voting district so determining to purchase, lease, rent or otherwise procure the use of voting machines and conduct elections as herein provided for are hereby expressly authorized and empowered to determine and provide for and require such specifications supplementary to the specifications hereinbefore and hereinafter set forth as may be deemed proper for voting machines acquired, or to be acquired for use in said elections, and to select in its or their discretion the type and make of such voting ma-

chines, to employ engineers or other skilled persons to advise and aid in the exercise of the powers and duties hereby conferred and required, or may authorize the County Board of Election Commissioners to employ such engineers or other skilled persons herein authorized or provided for. Provided, however, that none of the specifications or requirements herein provided for shall or may at any time be waived except by amendment of this act by the Legislature of the Commonwealth of Kentucky. All voting machines, when purchased, shall be delivered to the Clerk of the County Court of the county in which they are to be used, who shall have the custody of the same for all the purposes of this act subject to the rights and duties of the County Board of Election Commissioners in reference thereto as herein provided. The duties of the Clerk of the County Court in reference to delivery of said machines to and from voting places shall be the same as it is to ballot boxes and other election equipment.

§ 4. Any voting machines may be adopted, rented, purchased or used which shall be so constructed as to fulfill the following requirements; it shall secure to the voter secrecy in the act of voting; it shall provide facilities for voting for all candidates of as many political parties or organizations as may make nominations, and for or against as many questions as submitted; it shall, except at primary elections, permit the voter to vote for all candidates of one party or in the part for the candiddates of one or more other parties, it shall permit the voter to vote for as many persons for an office as he is lawfully entitled to vote for, but no more; it shall prevent the voter from voting for the same persons more than once for the same or any other office; it shall permit the voter to vote for or against any question he may have the right to vote on; but no other; if used in primary elections it shall be so equipped that the election officials can lock out all rows except those of the voter's party by a single adjustment on the outside of the machine; it shall correctly register or record, and accurately count all votes cast for any and all persons, and

for or against any and all questions; it shall be provided with a "Protective Counter" or Protective Device, whereby any operation, of the machine before or after the time for opening or closing the election will be detected; it shall be provided with a counter which shall show at all times during an election how many persons have voted; it shall be provided with a mechanical model, illustrating the manner of voting on the machine, suitable for the instruction of voters; it may also be provided with one device for each party, for voting for all the presidential electors of that party by one operation, and a ballot therefor containing only the words "Presidential Electors For" preceded by the name of that party and followed by the names of the candidates thereof for the offices of president and vice-president and a registering device therefor which shall register the vote cast for said electors when thus voted collectively; provided, however, that means shall be furnished whereby the voter can cast a vote in part for the candidates for presidential electors of one party, and in part for those of one or more other parties or in part or in whole for persons not nominated by any party, or to vote for any person for any office when the name of such person so desired to be voted for does not appear upon the ballot as a candidate for any office.

§ 5. It is hereby declared to be the duty of the County Board of Election Commissioners, hereinafter called the Board, in each of the respective counties, or any body or board which may hereafter be provided to perform the duties now performed by said County Board of Election Commissioners, where said voting machines are used in any election held within the confines of such county, and said Board is hereby given power and authority to determine what precincts in the confines of said county, municipality, city, town or other voting district shall be first equipped with voting machines, if less than all precincts are to be so equipped at any given time, after the Fiscal Court of said county or the legislative branch or division of any municipality, city, town or other voting

district shall first determine to purchase, rent or lease voting machines for use as herein provided; provided further, however, that when the purchase, lease or rental of any number of machines as herein provided for shall have been made as herein provided for, the said County Board of Election Commissioners shall designate such number of precincts as shall permit the use of all such machines whether purchased, leased or rented.

§ 6. All ballots shall be printed on paper or clear white material of such form and size as will fill the ballot frames of the machines. In plain color type as large as the space will reasonably permit. Party nominations shall be arranged on each voting machine, either in vertical columns or horizontal rows; the caption of the various ballots on said machines shall be so placed on said machines as to indicate to the voter what push knob, key lever or other device is to be used or operated in order to vote for the candidate or candidates of his choice. The order of the arrangement of parties and of candidates shall be as now required by law.

§ 7. The officer or officers whose duty it may be under this Act to provide and furnish official ballots for any polling place where a voting machine is to be used, shall also provide not less than two sample ballots or instruction ballots which sample or instruction ballots shall be arranged in the form of a diagram showing such portion of the front of the voting machines as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample ballots shall be open to the inspection of all voters on election day, in all primaries and general elections where voting machines are used.

There shall be furnished a sufficient number of sample ballots (a facsimile of the face of the machines) of a reduced size.

§ 8. It shall be the duty of the authorities in charge of any election where a voting machine is to be used, to have the machine and all necessary furniture and appliances at the

proper polling place or places before the time fixed for opening of the polls, and the counters set at zero (000), and otherwise in good and proper order for use at such election, and for the purpose of placing ballots in the ballot frames of the machine, putting it in order, setting, testing, and adjusting and delivering the machine, the authorities in charge of elections may employ one or more competent persons to be known as custodian or custodians of voting machines; who shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least thirty days before the election and shall be considered as officers of elections. Before preparing a voting machine for any election, written notice shall be mailed to the chairman of the committee of at least two of the principal parties, stating the time and place where the machines will be prepared, at which time one representative of each of such political parties shall be afforded an opportunity to see that the machines are in proper condition for use in the election; such representatives shall be sworn to faithfully perform their duties and shall be regarded as election officials but shall not interfere with the custodians or assume any of their duties. When a machine has been so examined by such representatives it shall be sealed with a numbered seal. Such representatives shall certify to the numbers of the machines, that all of the counters are set at zero (000), and as to the number registered on the protective counter, if one is provided, and on the seal. After the preparation of the machines, an officer or officers or someone duly authorized, other than the person who has prepared them for election, shall inspect each machine, and report in writing, concerning the facts as to whether or not all of the registering counters are set at zero (000), the machine is arranged in all respects in good order for the election and locked; and as to the number registered on the protective counter; and on the seal. When a voting machine has been properly prepared for election, it shall be locked against voting and sealed; and the

keys thereof shall be delivered to the Board or officials having charge and control of elections, together with a written report made by the custodian stating that it is in every way properly prepared for the election. After the voting machines shall be transferred to the polling places, it shall be the duty of the local authorities to provide ample protection against molestation or injury to the machine. Every voting machine shall be furnished with a lantern, or a proper substitute for one, which shall give sufficient light to enable voters while voting to read the ballots and suitable for use by the election officers in examining the counters. The lantern or electric light fixture shall be prepared in good order for use before the opening of the polls. All voting machines used in any election shall be provided with a screen, hood or curtain which shall be so made and adjusted as to conceal the voter and his action while voting.

§ 9. The form and arrangement of ballots or ballot labels to be used in all voting machines used under authority of this act shall be arranged and prepared so that the titles of all offices to be voted for shall be arranged either horizontally or vertically, and the names of the candidates of each party or principle shall be arranged under or opposite the proper title, in a horizontal or vertical row or rows for each party or principle; and except that said ballot labels shall be printed in black ink on clear white material of such size and arrangement as to suit the construction of the machine and further that the designation of the party or principle which each candidate represents shall appear just above the name of each such candidate and provided further that the ballot labels shall be so arranged that exact uniformity (so far as practicable) will prevail as to size and face of printing of all candidate's names and party designations. The ballot labels for questions, including Constitutional Amendments, Referenda and other propositions shall be placed on the machine in the space provided for that purpose and may contain a condensed statement of each proposition to be voted on, accom-

panied by the words "For" and "Against" or by the words "Yes" and "No". The word "Yes" shall be interpreted as meaning a vote for a constitutional amendment, statute or ordinance referred, or other proposition, and the word "No" as a vote against a constitutional amendment, statute or ordinance referred, or other proposition. The titles of the offices on the ballot labels shall be printed in type as large as the space for such office will reasonably permit; there shall be printed below the office title the words "Vote for One", "Vote for Two", in accordance with the provisions of the laws of the Commonwealth concerning and governing elections or such number as the voter is lawfully entitled to vote for out of the whole number of candidates nominated for such office.

At least one voting machine shall be provided for each five hundred registered voters, and the county courts of the respective counties are authorized and directed to re-arrange precinct boundaries and, where necessary, to enlarge or reduce the number of such precincts so as to permit, as far as may be practicable, the use of one voting machine for each five hundred registered voters where said voting machines are used; and provided, further, that each precinct shall be equipped with such number of voting machines, not exceeding one machine for each unit of five hundred voters or fractional part thereof, as the Board shall deem necessary for the proper conduct of any election.

In the polling places of precincts where voting machines are required to be used by the provisions of this Act, such elections in such polling places shall be conducted by the two Judges of election, one Clerk of election and one Sheriff of election the same as provided for in precincts where voting machines are not used. Provided, however, that nothing herein contained shall prevent the use of paper ballots as are now used in elections in polling places for which voting machines are not available or have not been procured; and in such polling places where paper ballots may be used as aforesaid, elections shall be conducted in all respects in accordance with the

provisions of law relating to elections held by means of paper ballots.

In the event the two judges of election are unable to agree upon any question which it is their duty to act on or decide then and in such cases the Sheriff of election for said precinct shall be called to cast a vote breaking the tie or deadlock, and his vote shall be final.

All voting machines used in a primary election shall remain locked and sealed for the period of ten days next succeeding the date of the primary election, after which time the voting machines may be unsealed and unlocked and made available for preparation for use in the succeeding election. Provided, however, that upon receipt of notice of contest, as hereafter provided for, the Board shall, within five days from the receipt of such notice, proceed to inspect and examine the voting machines containing the votes cast for such contested office, and shall make a record of the votes cast for such contested office, and shall make a record of the votes for said contested office shown on said voting machines, which record they shall duly certify as correct and shall affix their signatures thereto, and shall preserve such records so that the same may be available in such contest as evidence of the votes cast for such office upon said voting machines. Such record shall be received as evidence as fully and with as full force and effect as if proved by the oral testimony of the persons who shall sign the same, or by the production of said voting machines in Court or before said Board. The principals of such contest, and their authorized representatives, shall be permitted to be present at the aforementioned inspection and examination of said voting machines. After such inspection, examination and recording of the results thereof, the said voting machines shall immediately thereafter be released and shall be available for preparation for use in the succeeding election.

No voter, in the use of a voting machine, shall be per-

mitted to occupy more than two minutes while other voters are waiting to use the same.

In the polling places of election precincts where voting machines are used the polls shall be opened at six o'clock A. M. and shall be closed at four o'clock P. M. and, in such polling places, Judges of election, when acting as such, shall be compensated at the same rate, as allowed to Judges of election in all other precincts where elections are conducted, and no more

Wherever possible, the provisions hereof shall be construed in harmony with existing laws. If any of the provisions hereof shall be judicially declared to be invalid or unconstitutional, the remaining provisions hereof shall not be thereby affected, but shall remain in full force and effect.

§ 10. As used in this Act:

(1) the word "ballot-labels" shall mean the cards, paper, or other material, containing the names of offices and candidates and statements of questions to be voted on;

(2) The word "diagram" shall mean an illustration of the official ballot, when placed upon the machine, showing the names of the parties, offices, and candidates, and statements of the questions, in their proper places, together with the voting devices therefor, and shall be considered a specimen ballot;

(3) The word "question" shall mean a statement of such constitutional amendment or other proposition as shall be submitted to a popular vote at any election;

(4) The words "vote indicator" shall mean the levers, knobs or handles attached to the face of the machine by means of which the voter indicates his choice of candidates or decision of question;

(5) The words "candidate counters" and "question counters" shall mean the counters on which are registered numerically the votes cast for candidates, and on questions, respectively;

(6) The words "public counter" shall mean a counter or other device which shall, at all times, publicly indicate how many times the machine has been voted on at an election;

(7) The words "protective counter" shall mean a counter or protective device or devices that will register each time the machine is operated, and shall be so constructed and so connected that it cannot be reset, altered, or operated, except by operating the machine;

(8) The words "voting machine booth" shall mean the enclosure occupied by the voter when voting;

(9) The word "model" shall mean a mechanically operating model of a portion of the face of the machine, illustrating the manner of voting;

(10) The word "custodian" shall mean the person charged with the duty of testing and preparing the voting machine for the election, and instructing the election officers in the use of the voting machine;

(11) The words "election" and "elections", whenever used in this act, shall be held to include and mean all general, municipal, primary and special elections;

(12) The word "board" shall mean the County Board of Election Commissioners for that county containing the precincts wherein is located the precincts in which it has been determined to use voting machines as herein provided for;

(13) The words "County Court" and "County Clerk" shall respectively mean the county court of that county containing the precincts in which it has been determined to use voting machines as herein provided for, and "County Clerk" shall mean the Clerk of such County Court.

§ 11. Every voting machine acquired or used under the provisions of this act shall:

(a) Provide facilities for voting for such candidates as

may be nominated, and upon such questions as may be submitted;

(b) Permit each voter, in one operation, to vote for all the candidates of one party for presidential electors:

(c) Permit each voter, at other than primary elections, to vote a ticket selected from the nominees of any and all parties and from independent nominations; and for any person of the voters choice for any office to be voted for, provided the name of such person of the voters choice is not a candidate for some other office to be voted on at the same election in such case the machine shall provide ways and means for the voter writing in or otherwise indicating the name of the person for whom he desires to vote and then so voting for such person of the voter's choice.

(d) Permit each voter to vote, at any election, for any person and for any office for whom and for which he is lawfully entitled to vote, and to vote for as many persons for an office as he is entitled to vote for, and to vote for or against any question which appears upon a ballot-label;

(e) Preclude each voter from voting for more persons for any office than he is entitled to vote for, and from voting for any candidate for the same office or upon any question more than once;

(f) Be capable of adjustment by election officers, so as to permit each voter at a primary election to vote only for the candidate seeking nomination by the political party with which he is affiliated, and for whose candidates he is qualified to vote, and so as to preclude him from voting for the candidates seeking nomination by any political party with which he is not affiliated; or for whose candidates he is not qualified to vote;

(g) Permit each voter to change his vote for any candidate, or upon any question appearing upon the ballot-labels, up to the time he begins the final operation to register his vote, or indicated or expresses his intention to register his vote;

(h) Permit and require voting in absolute secrecy, and shall be so constructed that no person can see or know for whom any other voter has voted or is voting, save a voter whom he has assisted or is assisting in voting as prescribed by law;

(i) Have voting devices for separate candidates and questions, which shall be arranged in separate parallel rows or columns, so that, at any primary election, one or more adjacent rows or columns may be assigned to the candidates of a party, and shall have parallel office columns or rows transverse thereto:

(j) Have a counter, or other device, to be known as a "public counter", the register of which is visible from the outside of the machine, which shall show during any period of voting the total number of voters who have operated the machine during said period of voting;

(k) Have a protective counter, or other device, the register of which cannot be reset, which shall record the cumulative total number of movements of the operating mechanism;

(l) Be provided with a lock or locks, by means of which, immediately after the polls are closed, or the operation of the machine for an election is completed, all movement of the registering mechanism is absolutely prevented;

(m) Be provided with a screen, hood or curtain, which shall conceal the actions of the voter while voting;

(n) Be constructed of material of good quality, in a neat and workmanlike manner;

(o) When properly operated, register or record correctly and accurately every vote cast;

(p) Be so constructed that a voter may readily learn the method of operating it;

(q) Be safely transportable;

(r) Be so constructed and controlled that, during the progress of voting, it shall preclude every person from seeing

or knowing the number of votes registered for any candidate, and from tampering with any of the registering mechanism.

§ 12.

(a) The papers, cards or strips, enclosed within the ballot-frame or frames of any voting machine, and containing the names of a candidate or candidates, and his, her or their political party, or the statement of a question to be voted upon, hereinafter referred to as ballot-labels, shall be printed in black ink, upon clear white material, of such size as will fit the ballot frame, and in plain clear type so as to be clearly readable by persons with normal vision.

(b) If the construction of the machine shall require it, the ballot label for each candidate, group of candidates, or question, to be voted on, shall bear the designating letter or number of the counter on the voting machine which will register or record votes therefor. Each question to be voted on shall appear on the ballot-labels, in brief form, to be determined in the same manner as are questions which appear upon paper ballots, but said questions may appear at the top or side of the ballot-label, the provisions of any other section of this Act to the contrary notwithstanding.

(c) The ballot-label for each candidate or group of candidates, nominated or seeking nomination by a political party, shall contain the name or designation of the political party.

(d) The titles of offices may be arranged horizontally or vertically, with the names of candidates for and office arranged transversely under or opposite the title of the office.

(e) The names of all candidates, nominated or seeking nomination by a political party, shall appear in adjacent rows or columns containing generally the names of candidates nominated or seeking nomination by such party.

(f) When the same person has been nominated for the same office by more than one political party, his name shall appear in the rows or columns containing generally the names of candidates nominated by each such party.

(g) The form and arrangement of ballot-labels, to be used at any election, shall be determined by the clerk of the county court of the county in which election is being held or the candidates, questions, amendments or issues being voted upon.

(h) In primary elections, the ballot-labels, containing the names of candidates seeking nomination by a political party, shall be segregated on the face of the machine in adjacent rows or columns by parties.

§ 13.

(a) The Board shall cause the proper ballot labels to be placed on each voting machine which is to be used in any precinct and shall cause each machine to be placed in proper order for voting; and said Board or its duly authorized agent shall examine each machine before it is sent out to a polling place; shall see that the proper ballot labels are properly arranged on each machine and that each registering counter, except the protective counter, on each machine is set at zero (000); shall lock each machine so that the counting mechanism cannot be operated; and shall seal each machine with a numbered seal. The said Board, or its duly authorized agent, shall adjust each machine, to be used at a primary election, so that the election officers may lock it on primary election day, in such a way that each voter can vote only for the candidates seeking nomination by the political party with which he is affiliated, if he is affiliated with the political party, or for whose candidates he is qualified to vote, and so that no voter can vote for the candidates seeking nomination by any political party with which he is not affiliated, or not entitled to vote.

(b) The said Board shall appoint one custodian of voting machines and three deputy custodians, whose duty it shall be, in conjunction with the clerk of the county court of said county, to prepare the machines to be used in the county at the election to be held therein. Such custodian shall, under the direction of the said Board, have charge of and represent

the said Board during the preparation of the voting machines as required by this act, and he and the deputy custodians, whose duty it shall be to assist him in the discharge of his duties, shall serve at the pleasure of the said Board. Each custodian shall take the constitutional oath of office, which shall be filed with the said Board.

(c) On or before the thirtieth day preceding an election, the said Board shall mail to the chairman of the city committee of each political party, which shall be entitled under existing laws to participate in primary elections within the city, a written notice, stating the times when and the place or places where the machines for use in the several election precincts in the county will be prepared for use. At such times and places, one representative of each of such political parties, certified by the respective chairmen of the district, county or city committees of such parties as the case may be, shall be entitled to be present, and to see that the machines are properly prepared and are placed in proper condition and order for use.

(d) The clerk of the county court in person or by one of his deputies and the custodian and deputy custodians of voting machines shall make a certificate, in writing, which each shall sign, and request each representative of a party as aforesaid present at the preparation of the machine to attest, and which shall be filed with the said board, stating (1) the identifying number or other designation of the voting machine; (2) that each registering counter of the machine was set at zero (000); (3) the number registered on the protective counter or other device of the machine; and (4) the number on the seal with which the machine is sealed.

(e) No Board, or member or employee thereof, nor custodian, nor other officer or person or persons, shall, in any way, prevent free access to and examination of all voting machines, which are to be used at the election, by any of the duly appointed representatives aforesaid; and the said county clerk and his deputies, the Board and its employees

shall afford to each such representative every facility for the examination of all registering counters, protective counters, and public counters of each and every voting machine.

(f) The clerk of the county court of the county wherein voting machines are used shall furnish all ballot-labels, forms of certificates, returns and other papers and supplies, required under the provisions of this act, to be paid for as ballots, ballot books and other election paraphernalia are paid for in precincts where elections are held and conducted without the use of voting machines.

§ 14. The clerk of the county court shall deliver the proper voting machine or voting machines, properly furnished with ballot-labels, to the polling places of the respective election precincts at least one hour before the time set for opening the polls at each election, and shall cause each machine to be set up in the proper manner for use in voting. Each machine shall then remain sealed until the examination immediately preceding the opening of the polls prescribed by this act.

(b) The Board shall provide ample protection against molestation of and injury to the voting machine, and, for that purpose, the said Board or any of the Judges of Election shall and may call upon any police officer or other peace officer to furnish such assistance as may be necessary, and it shall be the duty of police officers and other peace officers to furnish such assistance when so requested by the said Board or by any Judge of Election.

(c) The clerk of the county court shall furnish, at the expense of the county, municipality, city, town or voting district providing the voting machines and deliver with each voting machine:

(1) A lantern, or a proper substitute for one, which shall give sufficient light to enable voters, while in the voting machine booth, to read the ballot-labels, and suitable for the use of the judges of election in examining the counters. The

lantern, or proper substitute therefor, shall be prepared and in good order for use before the opening of the polls.

(2) Two diagrams or sample ballots, of suitable size, representing such part of the face of such voting machine as will be in use in the election, and accompanied by illustrated directions for voting on the machine. Such diagrams shall be posted prominently outside the enclosed space within the polling-place.

(3) A mechanically operated model of a portion of the face of a voting machine, for the instruction of voters. Such model shall be placed in the polling-place and at or outside of the guard-rail.

(4) A seal for sealing the machine after the polls are closed, unless the construction of the machine is such that the machine is automatically locked and sealed when the results are exposed; an envelope for the return of the keys, if the construction of the voting machine shall permit their separate return; and such other election materials and supplies as may be necessary, or as may be required by law.

§ 15. Before each election at which voting machines are to be used the Board or the employees thereof or the custodian shall instruct in the use of the machine, and in their duties in connection therewith, all judges of election who are to serve thereat and who have not previously been instructed and found qualified; and they shall give to each judge of election, who has received such instruction and is fully qualified to conduct the election with the machine, a certificate to that effect. For the purpose of giving such instruction, the said Board or the custodians shall call such meeting or meetings of the judges of election as shall be necessary. Each judge of election shall, upon notice, attend any such meeting or meetings called for his instruction and receive such instructions as shall be necessary for the proper conduct of the elections with the machine. No judge of election shall serve in any election at which a voting machine is used, unless he shall have received such instruction and is fully qualified to per-

form his duties in connection with the machine, and has received a certificate to that effect from the Board or one of the custodians of the machines; Provided, however, that this shall not prevent the appointment of a judge of election to fill a vacancy arising on the day of election, or within three days preceding the day of election.

§ 16.

(a) The Board shall deliver the keys, which unlock the operating mechanism and the registering counters or counter compartment of the voting machine, to one of the judges of election not earlier than noon of the third day preceding an election, nor later than three-quarters of an hour before the time set for the opening of the polls, and shall take the judge's receipt therefor. The keys shall be enclosed in a sealed envelope, on which shall be written or printed: (1) The number of the voting machine; (2) the name or designation of the precinct; (3) the number of the seal; and (4) the number registered on the protective counter or device as reported by the custodian.

(b) No judge of election shall open an envelope so delivered, until another judge of the opposite political party shall be present in the polling-place, and shall have examined the envelope to see that it has not been opened.

(c) Before opening the envelope, both judges of election shall examine the number on the seal on the machine, and the number registered on the protective counter or device, and shall see whether they are the same as the numbers written on the envelope containing the keys. If either number shall be found not to agree, the envelope shall remain unopened until the judges of election shall have notified the custodian of voting machines, or the Board and until the custodian or some other person authorized by the said Board shall have presented himself at the polling-place for the purpose of re-examining the machine, and shall have certified that it is properly arranged.

(d) But if the numbers on the seal and the protective

counter or device shall be found to agree with the numbers on the envelope, the judges of election shall examine the registering counters, and, for that purpose, shall open the doors concealing such counters, if the construction of the voting machine shall so require, and, before the polls are opened, the said judges shall carefully examine every registering counter, and shall see that it registers zero (000), with the exception of the protective counter or device, and shall allow the watchers to examine the counters.

(e) If the ballot-labels containing the names of offices, parties, candidates, and questions, shall not be in their proper places on the voting machine, the judges of election, forthwith, shall notify the custodian of voting machines, or the clerk of the county court or the board, and the machine shall not be used until the custodian, or some other person authorized by the said clerk of the county court or the board, shall have supplied ballot-labels as herein prescribed. If the ballot-labels for a voting machine shall not be delivered at the time required, or, if, after delivery, they shall be lost, destroyed, or stolen, the clerk of the county court or the board or custodian shall cause other ballot-labels to be furnished, prepared, printed or written, as nearly in the form of the official ballot-labels as practicable, and shall cause such ballot-labels to be used in the same manner, as nearly as may be, as the official ballot-labels would have been used.

(f) The judges of election shall sign a certificate showing: (1) the identifying number or other designation of the voting machine; (2) the delivery of the keys in a sealed envelope; (3) the number on the seal upon the machine; (4) the number registered on the protective counter or device; (5) that all of the counters were set at zero (000); (6) that the ballot labels are properly placed in the machine; and (7) that every vote indicator in connection with or belonging to a blank space immediately adjacent (either horizontally or vertically) to the space containing the name of any candidate or the word "Yes" or "No", "For" or "Against", in connection with

any question, is locked against operation, which certificate shall be returned by the judges of election to the Board with the other certificates as hereafter provided.

(g) The machine shall remain locked against voting until the polls are opened, and shall not be operated except by voters in voting. If any counter except the protective counter or device, is found not to register zero (000), the judges of election shall immediately notify the custodian, or the Board, who shall, if practicable, adjust or cause the counters to be adjusted at zero (000); but, if it shall be found impracticable for the custodian or other person authorized by the said Board to arrive in time so to adjust such counters before the time set for opening the polls, the judges shall immediately make a written record of the designation or designating letter or number of each counter, together with the number registered thereon, hereinbelow called the initial number, and shall sign and post the same upon the wall of the polling-place, where it shall remain until the polls are closed; and, in filling out the returns of the election, if the final number of such counter is greater than the initial number, the election officers shall subtract the initial number from the final number and enter the difference on the returns as the vote for the candidate or on the question represented by such counter; if the final number of such counter is less than the initial number, the judges of election shall add one thousand to the final number and shall subtract the initial number from the sum so ascertained and shall enter upon the returns as the vote for the candidate or on the question represented by such counter the final number plus one thousand less the initial number.

(h) The exterior of the voting machine, and every part of the polling-place, shall be in plain view of the judges of election and watchers. Every voting machine shall be located in the polling-place, at least six feet back of the guard-rail, in such a position that, unless its construction shall require otherwise, the ballot-labels on the face of the machine can be

seen plainly by the judges of election and watchers when the machine is not occupied by a voter. The judges of election shall not themselves be, nor allow any other person to be, in any position that will permit one to see or ascertain how a voter votes, or how he has voted. The said judges, or one of them, shall inspect the face of the machine at frequent intervals, to see that the ballot-labels are in their proper places, and that the machine has not been injured or tampered with.

(i) During an election, the door, or other covering of the compartment containing the counters of the machine, shall not be unlocked or opened, or the counters exposed, except by the action of the proper custodian of voting machines for good and sufficient reason, a statement of which shall be made in writing and signed by him and attested by the signatures of the judges of election, or except upon the written order of the Board for good and sufficient reason which shall be stated in the order.

§ 17. (a) During the thirty days next preceding an election, the Board shall place on public exhibition, in such public place, on such days, and at such times as they may deem most suitable for the information and instruction of the voters, one or more voting machines, containing the ballot-labels, and showing the offices and questions to be voted upon, the names and arrangements of parties, and, as far as practicable, the names and arrangement of the candidates to be voted for. Such machine or machines shall be under the charge and care of a person competent as custodian and instructor. No voting machine, which is to be assigned for use in an election, shall be used for such public exhibition and instruction, after having been prepared and sealed for the election.

(b) During such public exhibition and instruction, the counting mechanism of the voting machine shall be concealed from view, and the doors, or cover concealing the same, shall be opened, if at all, only temporarily, and only upon written authorization from the Board.

(c) Prior to any election the Board may cause copies of

any diagram or diagrams, required to be furnished with voting machines at polling-places, to be made, either in full size or in reduced size, and to be posted, published, advertised or distributed among the voters in such manner as the said Board may deem desirable.

§ 18. (a) The judges of election shall, with the aid of the diagrams herein authorized, and the mechanically operated model, instruct each voter, before he enters the voting machine booth, regarding the operating of the machine, and shall give the voter opportunity personally to operate the model.

(b) No voter shall be permitted to receive any assistance in voting at any election, unless he shall declare under oath to the judges of election that by reason of blindness or physical disability he is unable to read the names upon the ballot-labels or to see the machine, or, without assistance, to prepare it for voting, or enter the voting machine booth without assistance. Upon making and filing with the judges such affidavit, the voter shall retire to a voting machine, with two of the judges of opposite political parties, and then and there one of said judges in the presence of the other shall operate the machine as such voter shall direct, the voter himself orally naming one by one the candidates for whom he desires his vote to be recorded or by indicating the candidates by a general designation as the candidates of any one political party. Such disabled voter desiring to vote for or against any proposed amendment, or on any submitted question, must, without suggestion of any kind made by either of the judges, state orally the amendment or question upon which he desires to vote and whether he desires to vote "Yes" or "No" or "For" or "Against" such amendment or question. The ballot-label shall not be read to such voter, nor shall any suggestion of any kind be made by either of said judges to show him as to how his choice shall be indicated, but the only assistance which it shall be lawful for the judges to give him is to move the vote indicators as he, without prompting or suggestion from them

or either of them, shall direct, but no voter shall be assisted under this section until the two judges of election and the sheriffs of election shall be satisfied of the truth of the fact stated in such affidavit. Voters who are not unable, by reason of blindness or physical disability, to operate the machine without assistance shall not be entitled to receive assistance in so doing. And with the exception in favor of persons blind or incapable by reason of physical disability of operating a voting machine without assistance, no distinction or discrimination in the matter of assistance in operating such machine shall be made for or against any duly registered voter for any other cause whatever. The voter shall state in his affidavit the specific physical disability which requires him to receive assistance, and the judges of election shall enter in writing on the record of assisted voters: (1) the voter's name; and (2) the specific physical disability which required him to receive assistance.

(c) If, however, any voter, after entering the voting machine booth, and before the closing of such booth, shall ask for further instructions concerning the matter of voting, then two of the judges of opposite political parties shall give him such instructions, but no such judge shall, in any manner, request, suggest, or seek to persuade or induce any such voter to vote any particular ticket, or for any particular candidate, or for or against any particular question. After giving such instructions, and before the voter closes the booth or votes, the judges shall retire, and the voter shall forthwith vote.

§ 19. In primary elections, before a voter is admitted to the voting machine, it shall be adjusted by a judge of election in charge thereof so that such voter will only be able to vote for the candidates of the party with which he is affiliated.

§ 20. At any general election, at which presidential electors are to be chosen, the machine shall be so adjusted that each voter shall be enabled to vote, by one operation, for all the presidential electors of a party. For each party nominat-

ing presidential electors, a ballot-label shall be provided, containing only the words "Presidential Electors", preceded by the name of the party, and followed by the names of the candidates thereof for the offices of President and Vice-President, and the corresponding counters or registering devices shall register votes cast for said electors when thus voted for collectively, but the machine shall be so prepared that it shall be possible for the voter to indicate his choice of as many candidates for the position of presidential elector as there are presidential electors to be elected.

§ 21. (a) When the polls are closed, all qualified voters, who are then waiting in line to vote, shall be permitted by the judges to do so. As soon as the polls are closed, and the last voter has voted, the judges shall immediately lock and seal the operating lever or mechanism of the machine so that the voting and counting mechanism will be prevented from operation, and they shall then sign a certificate stating: (1) that the machine has been locked against voting and sealed; (2) the number of voters, as shown on the public counters; (3) the number on the seal which they have placed upon the machine; (4) the number registered on the protective counter or device; and (5) the number or other designation of the voting machine, which certificate shall be returned by the judges of election to the officials authorized by law to receive the same. The judges shall then compare the number of voters, as shown by the counter of the machine, with the number of those who have voted as shown by the protective counter or device.

(b) The judges, in the presence of the watchers and all other persons who may be lawfully within the polling-place shall then make visible the registering counters, and, for that purpose, shall unlock and open the doors, or other covering concealing the same, giving full view of all the counter numbers. The judges shall, under the scrutiny of the watchers, and in the order of the offices as their titles are arranged on the machine, read and announce, in distinct tones, the designa-

tion or designating numbers and letters on each counter, and the results as shown by the counter numbers for and against each question voted on. The counters shall not be read consecutively along the party rows or columns, but shall always be read along the office columns or rows, completing the canvass for each office or question before proceeding to the next. The vote as registered shall be entered by the judges, in ink, on triplicate return sheets, and also on a general return sheet and statement, all of which, after the canvass is completed, shall be signed by the judges. The vote for presidential electors shall be computed and returned as provided herein. If more than one voting machine is used in any precinct, the vote registered on each machine shall be ascertained in like manner, and separately entered in appropriate spaces on the general and triplicate return sheets and statement. The total vote cast for each candidate, and for and against each question, shall then be computed and entered on the general and triplicate return sheets and statement. There shall also be entered on the general return sheet and statement the number of voters who have voted, as shown by the lists of voters, and the number who have voted on each machine, as shown by the public counters, and also the number registered on the protective counter or device on each machine immediately prior to the opening of the polls and immediately after the closing thereof and sealing of the machine. The number or other designation of each machine used shall also be entered thereon. In the case of primary elections, triplicate return sheets shall be prepared for each party. The registering counters of the voting machines shall remain exposed to view until the said returns and all other reports have been fully completed. During such time, any candidate, or duly accredited watcher, who may desire to be present, shall be admitted to the polling-place.

(c) The proclamation of the result of the votes cast shall be announced distinctly and audibly by one of the judges of election, who shall read the name of each candidate, the

designation or designating numbers and letters of his counters and the vote registered on each counter, also the vote cast for and against each question submitted. During such proclamation ample opportunity shall be given to any person lawfully present to compare the results so announced with the counter dials of the machine, and any necessary corrections shall then and there be made by the judges, after which the doors or other cover of the voting machine shall be closed and locked and the return sheet shall be signed by each of the judges of election. If any judge shall decline to sign such return, he shall state his reason therefor in writing, and a copy thereof, signed by himself, shall be enclosed with such return. Each of the return sheets shall be enclosed in an envelope, which shall then be secretly sealed with sealing wax, or other sealing material, and each of the judges shall write his name across the fold of the envelope. One of the triplicate return sheets shall be directed to the County Board of Election Commissioners of the county in which election is being held, one to the local governing body of each of the two dominant political parties, and the general return sheet and statement shall be directed and immediately delivered to the clerk of the county court of the county in which said precinct is located, together with the keys of the voting machine, inclosed in a sealed envelope, if the construction of the voting machine shall permit their separate return. Said envelope shall have indorsed thereon a certificate of the election officers, stating the number of the machine, the precinct where it has been used, the number on the seal, and the number on the protective counter or device at the close of the polls.

(d) As soon as possible after the completion of the count, the clerk of the county court for the county in which said precinct is located shall have the voting machine properly boxed or securely covered and removed to a proper and secure place of storage.

§ 22. The general return sheet, triplicate return sheets, and statement, shall be printed to conform with the type of

voting machine used. The designating number and letter, if any, on the counter for each candidate shall be printed thereon opposite the candidate's name. Immediately after the vote has been ascertained, the statement thereof shall be posted on the door of the polling-place. Thereupon, each of the judges shall take into his possession two of the above mentioned return sheets, sealed up in its envelope as aforesaid, and the meeting of said judges shall then be dissolved. Thereupon the said judges shall forthwith deliver the said return sheets to the respective officers and persons to whom they are addressed, as aforesaid, and shall take receipts therefor. The judges representing each of the two dominant political parties shall take the envelope addressed to the local governing authority of the party with which said respective judges are affiliated, also one of the judges shall take and deliver the envelope addressed to the Board and other judges shall take and deliver the envelope addressed to the county clerk.

§ 23. After each general or special election, the voting machine shall remain locked against voting for the thirty days next following such election, except that it may be opened and all the data and figures therein examined, upon the order of any court of competent jurisdiction, or judge thereof, or by direction of any legislative committee authorized and empowered to investigate and report upon contested elections affected by the use of such machine, and such data and such figures shall be examined by such court, judge or committee in the presence of the officer having the custody of such machine. In the event of a contest of election the court in which such contest is pending or the committee before which said contest is being heard may upon motion of any party to said contest issue an order requiring that said voting machines shall remain continuously locked for such further time as may be reasonable or necessary, with due regard for the preparation of said machines for a succeeding primary, general or special election, but in no event shall such order compel that said machines remain locked to a time within

thirty days next preceeding any such approaching primary, general or special election.

§ 24. Whenever it shall appear that there is a discrepancy in the returns of any precinct, or, upon petition of three voters of any precinct, verified by affidavit, that an error, although not apparent on the face of the returns, has been committed therein, the Board shall, at any time prior to the completion of the computation of all of the returns for the said election, summon the officers of election of the precinct, and said officers, in the presence of said Board, shall make a record of the number of the seal upon the voting machine, and, without unlocking the machine against voting, shall recanvass the vote cast thereon. Before causing such recanvass, the said Board shall give notice in writing to the custodian of voting machines, and to each candidate, and to the chairman of the city committee of each party affected by the canvass, and each such candidate may be present in person, or by attorney, and each of such parties may send two representatives to be present at such recanvass. If, upon such recanvass, it shall be found that the original canvass of the returns has been correctly made from the machine, and that the discrepancy still remains unaccounted for, the said Board, with the assistance of the custodian, in the presence of the judges of election and the authorized candidates and representatives, shall unlock the voting and counting mechanism of the machine, and shall proceed thoroughly to examine and test the machine to determine and reveal the true cause or causes, if any, of the discrepancy in returns from such machine. Each counter shall be reset at zero (000) before it is tested, after it shall be operated at least one hundred times. After the completion of such examination and test, the custodian shall then and there prepare a statement, in writing, giving in detail the result of the examination and test, and such statement shall be witnessed by the persons present, and shall be filed with the said Board. If, upon such recanvass, it shall appear that the original canvass of the returns by the election

officers was incorrect, the said returns and all papers being prepared by the said Board shall be corrected accordingly: Provided, however, that there shall be no change in the vote of any candidate from that originally certified unless such candidate was actually notified or notice to someone previously designated by such candidate as the person upon whom notice could be served.

§ 25. (a) The clerk of the county court shall have the custody of all voting machines, and the keys therefor, when the machines are not in use at an election, and shall provide for the safe storage and care of the machines and keys.

(b) All voting machines, when not in use, shall be properly boxed or covered, and stored in a suitable place or places as provided by this section.

§ 26. Any officer of election, or other person, who shall violate any of the provisions of this act, or who shall tamper with, or injure, or attempt to injure, any voting machine to be used or being used in an election, or who shall prevent, or attempt to prevent, the correct operation of such machine, or any unauthorized person who shall make or have in his possession a key to a voting machine to be used or being used in an election, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to undergo imprisonment for not more than one year, or to pay a fine not exceeding one thousand dollars (\$1,000.), or both, in the discretion of the court.

§ 27. Except as modified by the provisions of this act, the general laws regulating general, municipal, primary, special, and other elections shall apply to all elections in accordance with the provisions of this act.

§ 28. If any of the provisions of this act shall be judicially declared to be invalid or unconstitutional, the remaining provisions thereof shall not be thereby affected, but shall remain in full force and effect.

§ 29. AND BE IT FURTHER ENACTED, That all

laws or portions of laws inconsistent with or or in conflict with the provisions hereof are hereby repealed to the extent of such inconsistency or conflict herewith, but not otherwise.

Senator Attkisson moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Paul L. Sidebottom
Aubrey Barbour	Leo King	John A. Sugg, Jr.
Paul M. Basham	J. W. McDonald	Jos. P. Tackett
H. Stanley Blake	Stanley B. Mayer	J. E. Trager
Ollie J. Bowen	Strother Melton	Thomas O. Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Lee Gibson	Dr. R. C. Moss	O. C. Whitfield
Ralph Gilbert	Ray B. Moss	B. M. Williams
John M. Hall	James C. Rogers	
J. Joseph Hettinger	Ira W. See	

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Those who voted in the negative were—

Waller A. Crockett J. E. Wise

—2

Resolved that the title thereof be as aforesaid—

Senator Attkisson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Senator Gilbert moved that the rules be suspended for the purpose of allowing a report of the Committee on Rules.

Said motion was agreed to by a majority of the members elected.

Whereupon, Senator Gilbert of the Committee on Rules, to which same had been previously referred, reported a bill of the following title, viz.:

H. B. 431. An Act amending charters of cities of the third class to provide for the creation of a civil service commission, prescribing their duties and declaring their qualifications; providing for examination of all applicants for municipal employment; providing for the dismissal of employees and to provide for appeal to Circuit Court and Court of Appeals; providing for the creation of a board of trustees of a pension fund, prescribing their duties; authorizing the establishment and maintenance of a pension fund and stipulating a limitation by such cities with limitations herein provided for, and declaring an emergency to exist.

With the expression of opinion that said bill should pass.

Whereupon, said bill was read at length for the first time and

Ordered placed in the Calendar.

At the instance of the Committee on Rules, the Senate

took up for consideration from the Orders of the Day bills of the following titles, viz:

S. B. 126. An Act providing that the Commonwealth of Kentucky may enter into a compact with any of the United States for mutual helpfulness in relation to persons convicted of crime or offenses who may be on probation or parole.

S. B. 127. An Act to make uniform the law on fresh pursuit and authorizing this Commonwealth to cooperate with other states therein.

S. B. 128. A Uniform Act to secure the attendance of witnesses from without a state in criminal proceedings.

S. B. 129. An Act to make uniform the procedure on interstate extradition.

Senator Gilbert moved that each of said bills be recommitted.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

S. B. 137. An Act to amend and re-enact Section 3868 of Carroll's Kentucky Statutes, Baldwin's Revision, 1930 Edition, same being section 32, page 539, Chapter 156 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1893, relating to prior claims on estates, and repealing all laws or parts of laws in conflict with this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1. That Section 3868 of Carroll's Kentucky Statutes,

Baldwin's Revision, 1930 Edition, same being Section 32, Page 539, Chapter 156 of the Acts of the General Assembly of the Commonwealth of Kentucky of 1893, be and the same is hereby amended and re-enacted so that when same is so amended and re-enacted it shall read as follows:

"If the personal estate of a decedent be not sufficient to pay his liabilities, then the expenses and charges of the administration of his estate, and the amount of the estate of a dead person, or of a ward, or of a person of unsound mind, committed by a court of record to, and remaining in the hands of, a decedent, shall be paid in full before any pro-rata distribution shall be made; but this preference shall not extent to a demand foreign to this state. All other debts and liabilities shall be of equal dignity, and paid ratable in the administration of his estate, and should more than the ratable share of any debt paid, his personal representative shall only receive credit for its proper proportion."

§ 2. All laws or parts of laws in conflict with this Act are hereby repealed.

With committee amendment thereto.

Said amendment to said bill as proposed by the committee is as follows, viz.:

Amend S. B. 137, Section 1, page 2, line 13 by adding after the "period" and before the word "all" the following: "Provided that the burial expenses not to exceed fifty dollars (\$50.00) shall be a preferred claim after the payment of cost of administration."

Said amendment was then agreed to.

Senator J. Lee Moore moved that further consideration of said bill be postponed until Monday, February 28th, 1938.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

S. B. 197. An Act to promote the Agricultural, horticultural and live stock interest of the Commonwealth of Kentucky by enabling the State Board of Agriculture to cooperate with County and Community Fairs in offering of premiums for agricultural, horticultural and live stock exhibits at such Fairs.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Board of Agriculture is authorized and empowered to co-operate with County Fairs and Community Fairs in the Commonwealth of Kentucky by supplementing premiums offered at such fairs for exhibits of cattle, hogs, sheep, mules, jacks, jennets, and other livestock, poultry; for breeding classes for horses including two years old or under and for breeding stock of any age; and for any and all classes of fruits, vegetables, seeds or other crops for which exhibits are had at such fairs to the extent of from \$500 to \$1000 annually, provided the fair association receiving such support offers at least an equal amount in these classes. If the fair association offers a lesser amount the financial support of the Commonwealth of Kentucky will be reduced in proportion thereto.

§ 2. That any fair association offering special prize money for 4-H Club or for Smith-Hughes Agricultural student projects may receive an additional sum ranging from \$250 to \$500 provided each fair appropriates an equal amount in these classes.

§ 3. The State Board of Agriculture is authorized to make such rules and regulations as may be necessary for carrying this act into effect, and to issue an order to the State

Treasurer for payment of funds due each fair complying with its rules upon receipt of an accurate and complete report from the secretary and president of the fair claiming financial assistance under this act.

Senator Jones moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Paul L. Sidebottom
Aubrey Barbour	Wm. H. Jones, Jr.	John A. Sugg, Jr.
Paul M. Basham	J. W. McDonald	J. E. Trager
H. Stanley Blake	Strother Melton	Ervine Turner
Ollie J. Bowen	E. C. Moore	Thomas O. Turner
Leer Buckley	J. Lee Moore	E. T. Wesley
Dr. D. H. Bush	Dr. R. C. Moss	Otis White
W. C. Farmer	Ray B. Moss	O. C. Whitfield
Lee Gibson	James C. Rogers	B. M. Williams
Ralph Gilbert	Ira W. See	J. E. Wise

Resolved that the title thereof be as aforesaid—

Senator Jones moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

S. B. 179. An Act pertaining to banking and to amend and re-enact Section 584a of Kentucky Statutes, Carroll's Edition (Baldwin's 1936 Revision).

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 584a of Kentucky Statutes, Carroll's Edition (Baldwin's 1936 Revision) be and the same is hereby amended and re-enacted so as to read as follows:

Any bank or trust company or combined bank and trust company organized under the laws of this Commonwealth may subscribe for and own stock of the Federal reserve bank within the Federal reserve district where such bank or trust company or combined bank and trust company is located and may take any steps necessary to become a member of such Federal Reserve Bank.

Any bank or trust company or combined bank and trust company organized under the laws of this Commonwealth is hereby empowered upon the authority of a majority of its board of directors to do anything necessary or appropriate to acquire or maintain insurance of its deposits in the Federal Deposit Insurance Corporation, established pursuant to Section 12B of the Federal Reserve Act, as amended, or in any Federal corporation that may succeed or be substituted for same; and also without limiting the generality of the fore-

going to acquire stock or securities of such corporation and to enter into and take advantage of all contracts, rights and privileges, which may at any time be available to said banks or trust companies or combined banks and trust companies, or their depositors or receivers or liquidators, pursuant to said or other Federal Act.

Senator Basham moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	John A. Sugg, Jr.
Aubrey Barbour	Wm. H. Jones, Jr.	J. E. Trager
Paul M. Basham	Leo King	Ervine Turner
H. Stanley Blake	J. W. McDonald	Thomas O. Turner
Ollie J. Bowen	E. C. Moore	E. T. Wesley
Leer Buckley	J. Lee Moore	Otis White
Dr. D. H. Bush	Dr. R. C. Moss	O. C. Whitfield
W. C. Farmer	Ray B. Moss	B. M. Williams
Lee Gibson	James C. Rogers	J. E. Wise
Ralph Gilbert	Ira W. See	
John M. Hall	Paul L. Sidebottom	

Resolved that the title thereof be as aforesaid—

Senator Basham moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled, viz:

S. B. 108. An Act amending and re-enacting Section 4072, of Kentucky Statutes, Carroll's Edition 1936, relating to advancement of money to defray expenses and partial payment on salary of the county tax commissioner in counties containing a city of the first class, and repealing conflicting laws

Senator Trager moved that consideration of said bill be deferred and same be allowed to hold its place in the Orders of the Day.

Said motion was agreed to.

HOUSE MESSAGE

A message was received from the House announcing that they had passed a bill which originated in the Senate entitled, viz.:

S. B. 194. An Act to amend subdivision 1 of Article V of Chapter 32 of the Kentucky Statutes by the inclusion therein of a new section 768a, to be inserted after Section 768, in Carroll's Kentucky Statutes, Baldwin's Revised Edition, 1930, to extend the powers of railroad companies so as to authorize railroad companies (1) to engage in the business of transporting persons and property as common carriers by

motor vehicles on the highways and by aeroplanes in the air, and (2) to purchase or lease the property, rights and franchises of any individual, firm or corporation engaged in motor vehicle or air transportation, to subscribe to or otherwise acquire the capital stock of any motor carrier or air company and to make any agreement or arrangement, not inconsistent with law, with any individual, firm or corporation engaged in motor vehicle or air transportation.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled, viz.:

S. B. 148. An Act to amend and re-enact Section 4356-7 of Carroll's Kentucky Statutes 1936 Edition relating to the purchase, location and relocation of rights-of-way by the State Highway Commission.

Said bill is as follows; viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4356t-7 of Carroll's Kentucky Statutes 1936 Edition be and the same is hereby amended and re-enacted so that when so amended and re-enacted said section shall read as follows:

Section 4356t-7. Rights of way, condemnation; acquirement of private roads. No portion of the cost of acquiring any necessary land or right of way, except a temporary right of way, nor any part of any damages incurred, awarded or paid, shall be paid out of the state road fund or road and bridge fund, but all cost of acquiring any necessary land or right of way and any damages incurred, awarded or paid shall be paid by the county out of its general fund or out of funds

voted and held by the county or its duly appointed and qualified road commissioners for the purpose of improving or constructing, either or both, the roads and bridges of the county, *except however, that after any highway has been located by the State Highway Commission and right of way procured by the county and accepted by the highway commission, then any additional right of way required by the said State Highway Commission by reason of change or relocation in said highway, shall be acquired by the State Highway Commission and the purchase price be paid out of the state funds.* The state highway commission is hereby authorized to institute any proceeding in the county court of the county where the land lies to have any right of way, temporary or permanent, condemned and the damages assessed. They may institute such suit or proceeding in the name of the Commonwealth, and the county attorney shall represent it. They shall have the power to agree with any landowner as to the value of the right of way and if the agreement reached is approved by the county attorney the fiscal court shall enter an order directing the payment of the amount agreed upon to the landowner, and a record of said agreement shall be spread upon the records of the county court. Any landowner may donate a right of way across his land for any road herein designated and shall execute a deed to the state highway commission for the use and benefit of the State of Kentucky for such right of way. Condemnation proceedings may be tried at a special term of the county court called for the purpose after due notice has been given the owner and claimant of the land sought to be condemned.

The state highway commission shall have the right and it is hereby authorized and empowered to make agreements and contracts with the owners of private surfaced roads necessary to be incorporated in this system of state highways, where the owners are individuals or corporations, for the transfer and taking over of all the rights and interests of such private owners, for use and a part of this system of state

highways; and they may agree upon the price and cost to be paid for such interest in such roads by the approval of the county judge and county attorney in each county in which such roads are located; and upon receipt of their certificate of such transfers and the total cost for same the state auditor shall draw his warrant upon the treasurer for payment of the amount so certified.

And said state highway commission may institute such condemnation or other legal proceedings in the proper courts as they may deem necessary for the taking over of such roads and interests of private owners therein. Or, if, in their judgment, they shall deem it best, they may procure the right of way, as hereinbefore provided for, adjacent to, and alongside of such surfaced roads, crossing the same from one side to the other when he deems proper.

And nothing in this act contained shall be construed to mean that the state or federal government shall pay for any interest that any county may own in such roads, or that any county shall pay for this interest owned by individuals or corporations in such roads.

Senator See offered the following amendment to said bill, viz.:

Amend S. B. No. 148, page 2, line 17, by striking out the word "shall" and inserting in lieu thereof the word "may"

Said amendment was agreed to.

Senator Ray B. Moss moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	John A. Sugg, Jr.
Paul M. Basham	H. Watt Hillman	Jos. P. Tackett
H. Stanley Blake	Wm. H. Jones, Jr.	J. E. Trager
Ollie J. Bowen	Leo King	Ervine Turner
Leer Buckley	J. Lee Moore	Thomas O. Turner
Dr. D. H. Bush	Dr. R. C. Moss	E. T. Wesley
W. C. Farmer	Ray B. Moss	Otis White
Lee Gibson	James C. Rogers	O. C. Whitfield
Ralph Gilbert	Ira W. See	B. M. Williams
John M. Hall	Paul L. Sidebottom	J. E. Wise

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Resolved that the title thereof be as aforesaid.

Senator See moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Senator J. Lee Moore moved that the rules be suspended and the privilege of the floor be extended to Mr. George Duncan of Franklin, Kentucky.

Said motion was unanimously agreed to.

Senator Ray B. Moss moved that the rules be suspended and the privilege of the floor be extended to Mrs. Patricia O'Brien of Louisville, Kentucky and Mr. W. B. Smith of Pineville, Kentucky.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

S. B. 203. An Act requiring railroads operating in and through any county in this Commonwealth, passing within five miles of the county seat, to stop and pick up and discharge passengers for points at which such trains have scheduled stops, power being given the state railroad commission for its proper enforcement, penalties being provided for non-compliance with the provisions of this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That all railroads operating in or through counties in this State, within five miles of the county seat, are required and must stop on flag, to pick up or discharge passengers at such designated points. No passenger train will be required to pick up any passengers for any point at which it has neither a flag or regular stop.

§ 2. Upon railroads operating more than two passenger trains in each direction within each twenty four hours period, only two passenger trains in each direction within each twenty-four hours period will be required to make stops as herein mentioned.

§ 3. Any failure on the part of the carrier to fully comply with any provisions of this Act shall be punishable by a fine of not less than One Hundred Dollars nor more than Two Hundred and Fifty Dollars for each offense.

§ 4. The Kentucky Railroad Commission is given authority to designate what passenger trains shall make the required stops, but in no event, less than two in each direction during each twenty four hour period.

Senator Bowen offered the following amendment to said bill, viz.:

Amend Senate Bill No. 203 by striking out all of section 1 and substituting in lieu thereof the following:

1. That all railroad companies operating trains in or through counties in this State within five (5) miles of the county seat are required and must stop on flag to pick up or discharge passengers at such designated points, provided no passenger train will be required to pick up any passengers for any point at which it has neither a flag or regular stop and, provided further, no passenger trains will be required to make flag stops for passengers whose destination is less than one hundred (100) miles.

Said amendment was agreed to.

Senator Bowen moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	J. E. Trager
Aubrey Barbour	Leo King	Ervine Turner
H. Stanley Blake	Stanley B. Mayer	Otis White
Ollie J. Bowen	J. Lee Moore	O. C. Whitfield
Waller A. Crockett	James C. Rogers	B. M. Williams
Lee Gibson	Paul L. Sidebottom	J. E. Wise
John M. Hall	John A. Sugg, Jr.	—20

Those who voted in the negative were—

Paul M. Basham	W. C. Farmer	Thomas O. Turner
Leer Buckley		—4

Resolved that the title thereof be as aforesaid.

Senator Bowen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a resolution entitled, viz.:

S. Res. 59. A joint resolution for the benefit of the ministers of the churches of Frankfort, Kentucky.

Said resolution is as follows, viz.:

WHEREAS, the ministers of the various churches of the City of Frankfort have officiated at the opening of the daily sessions of the current General Assembly.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

(1) That for the use and benefit of the following-named ministers of the churches of Frankfort, to-wit:

Reverend Fred T. Moffatt,
Reverend R. B. Kelly,
Reverend John T. Galloway,
Reverend Father Joseph O'Dwyer,
Reverend Walter V. Cropper,
Reverend Edward W. Baxter,
Reverend Harry Alexander,

there be and is now appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of One Hundred Dollars (\$100.00) each, and the Auditor of Public Accounts will draw his several warrants, payable to each of the above-named ministers, for said sum.

Senator Gilbert offered the following amendment thereto by way of substitute therefor, viz.:

JOINT RESOLUTION PROVIDING FOR PAYMENT OF
MINISTERS OF THE CHURCHES OF FRANKFORT,
KENTUCKY, FOR PERFORMING THE DUTIES OF
CHAPLAIN FOR THE GENERAL ASSEMBLY.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the sum of Seven Hundred Dollars (\$700.00) is hereby appropriated out of the Legislative Session Fund, One Hundred Dollars (\$100.00) of which is to be paid to each of the following named ministers of Frankfort, Kentucky, performing the duties of Chaplain for the General Assembly:

E. W. Baxter, Fred Moffatt, W. V. Cropper, R. B. Kelly, Father Joseph O'Dwyer, J. T. Galloway, H. W. Alexander.

That the Chief Clerk of the Senate shall certify this Resolution to the Commissioner of Finance and the Commissioner of Finance shall direct the Auditor of Public Accounts

to draw his warrant for the amounts above designated and the Treasurer shall pay the same.

WHEREAS, all employees of the General Assembly have been promptly paid for their services, and said ministers have been faithful in attending as Chaplain, and are also entitled to prompt payment, an emergency is hereby declared to exist and this resolution shall take effect from and after its passage and approval by the Governor.

Said amendment was agreed to.

Whereupon, Senator Gilbert moved the Previous Question.

Thereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be engrossed and read the third time.

The Constitutional provision as to the third reading at length of said resolution being dispensed with, and the same being engrossed, said resolution was read the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ollie J. Bowen	Edwin C. Dawson
Aubrey Barbour	Leer Buckley	W. C. Farmer
Paul M. Basham	Dr. D. H. Bush	Lee Gibson
H. Stanley Blake	Waller A. Crockett	Ralph Gilbert

John M. Hall	J. Lee Moore	Thomas O. Turner
J. Joseph Hettinger	Dr. R. C. Moss	E. T. Wesley
H. Watt Hillman	Ray B. Moss	Otis White
Wm. H. Jones, Jr.	Paul L. Sidebottom	O. C. Whitfield
Leo King	John A. Sugg, Jr.	B. M. Williams
J. W. McDonald	Jos. P. Tackett	J. E. Wise
Stanley B. Mayer	J. E. Trager	
Strother Melton	Ervine Turner	

—34

Resolved that the title thereof be as amended.

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

S. B. 151. An Act to regulate and control employment of operators, cashiers and other persons who operate and conduct pari-mutuel machines, and providing that ninety per cent of all such employees be residents of the Commonwealth of Kentucky.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That every person, firm, fiduciary, association or corporation which is licensed in Kentucky to engage in the business of conducting a race track at which races are run for stakes, purses or prizes, where pari mutuel machines are being used and operated, shall employ at least ninety per cent. (90%) of all such pari mutuel operators, cashiers, ticket sellers, and all

others in the mutuel department, who are bona fide residents of the Commonwealth of Kentucky.

Any violation of this act, or the failure of any person, firm, fiduciary, association or corporation to employ ninety per cent. (90%) of bona fide residents of Kentucky as operators, cashiers, ticket sellers, and other employees of mutuel machines shall result in a forfeiture of the license of such person, firm, fiduciary, association or corporation.

It shall be the duty of the Racing Commission and/or the Department of Revenue to enforce the provisions of this act. Proceedings may be instituted against any person, firm, fiduciary, association or corporation violating this act in the county where the violation occurs, or in the Franklin Circuit Court.

Senator Melton moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Stanley Blake	Dr. D. H. Bush
Aubrey Barbour	Ollie J. Bowen	W. C. Farmer
Paul M. Basham	Leer Buckley	Wm. H. Jones, Jr.

J. W. McDonald	James C. Rogers	Otis White	
Strother Melton	Paul L. Sidebottom	O. C. Whitfield	
E. C. Moore	Jos. P. Tackett	B. M. Williams	
J. Lee Moore	J. E. Trager	J. E. Wise	
Dr. R. C. Moss	Ervine Turner		—23

Those who voted in the negative were—

Lee Gibson	Ray B. Moss	John A. Sugg, Jr.	
Leo King			—4

Resolved that the title thereof be as aforesaid—

Senator Blake moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The President of the Senate resumed the Chair, which had been occupied by Senator Edwin C. Dawson, President Pro Tem of the Senate, and presided.

Senator Gilbert moved that the rules be suspended for the purpose of allowing the introduction of a resolution.

Said motion was agreed to by a majority of the members elected.

Whereupon, Senator Gilbert offered the following resolution, viz.:

S. Res. 67. A Senate Resolution relating to the public documents of the State.

Be it Resolved by the Senate of the General Assembly of the Commonwealth of Kentucky:

WHEREAS, it appears that the original, signed manuscript of the second, third, and present constitutions of the

Commonwealth of Kentucky have disappeared from the office of the Secretary of State, and are not to be found in any other proper place or archives, and

WHEREAS the copy of the first constitution of Kentucky has but recently been returned from another State, and

WHEREAS so valuable a document or documents never should have been removed from the State archives

RESOLVED, by the State, that a committee of three Senators named by the President of the Senate is herewith created and directed to immediately investigate these conditions and report back to this body its findings and recommendations for a means of locating the aforesaid documents, and for their restoration to the archives of the Commonwealth.

Senator Gilbert moved that the Senate do now adopt said resolution.

Said motion was agreed to and

Thereupon, said resolution was adopted.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 62. A joint resolution appropriating from the General fund of the State of Kentucky \$322.66 for payment of a claim of D. P. Dingus, Deputy Sheriff of Floyd County, Kentucky for expenses incurred by him under orders of the Floyd Circuit Court in returning from the State of Idaho, Evan Frasure and Ernest Frasure and delivering them to the jailer of Floyd County on a charge of wilful murder.

Said resolution is as follows, viz.:

WHEREAS, on January 20, 1938, the Floyd Circuit Court entered an order directing the Sheriff of Floyd County

to convey from the State of Idaho to Floyd County Evan Frasure and Ernest Frasure, fugitives from justice, who were then being held by the officials of the State of Idaho under a charge of willful murder pending against them in the Floyd Circuit Court, and

WHEREAS, D. P. Dingus, Deputy Sheriff of Floyd County, Kentucky, proceeded to Pocatello, Idaho, and returned said prisoners in obedience to said court order, traveling a distance of 4,150 miles and incurred expenses in purchasing railroad tickets and meals for said prisoners, all of which amounted to the sum of \$332.66, and

WHEREAS, payment of said claim has been rejected by the State of Kentucky: Now, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That there be and is hereby appropriated from the General Fund of the State of Kentucky the sum of \$332.66 for the purpose of paying the said D. P. Dingus for said services rendered.

That the State Auditor be and he is hereby authorized and directed to draw a warrant for said amount payable to said D. P. Dingus from said fund.

Senator Tackett moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	John A. Sugg, Jr.
Aubrey Barbour	Wm. H. Jones, Jr.	Jos. P. Tackett
Paul M. Basham	Leo King	J. E. Trager
H. Stanley Blake	J. W. McDonald	Ervine Turner
Ollie J. Bowen	Strother Melton	E. T. Wesley
Leer Buckley	E. C. Moore	Otis White
Dr. D. H. Bush	J. Lee Moore	O. C. Whitfield
W. C. Farmer	Ray B. Moss	B. M. Williams
Lee Gibson	James C. Rogers	J. E. Wise
Ralph Gilbert	Paul L. Sidebottom	

—29

Resolved that the title thereof be as aforesaid—

Senator Tackett moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The President of the Senate designated Senator Audrey Barbour as presiding officer of the Senate in the absence of the President of the Senate and the President Pro Tem of the Senate, and Senator Barbour occupied the Chair and presided.

Senator Gilbert moved that the rules be suspended for the purpose of allowing a report of the Committee on Rules.

Said motion was agreed to by a majority of the members elected.

Whereupon, Senator Gilbert of the Committee on Rules, to which same had been previously referred, reported bills and resolutions of the following titles, viz.:

H. Res. 20. A resolution authorizing Ada Hathaway to sue the Commonwealth of Kentucky and the State Highway Commission.

H. Res. 21. Resolution authorizing Sallie B. Jones to sue the Commonwealth of Kentucky and the State Highway Commission.

H. Res. 22. Resolution authorizing Fannie B. Anderson to sue the Commonwealth of Kentucky and the State Highway Commission.

H. Res. 60. Joint Resolution providing for furnishing Kentucky Directory.

H. Res. 64. Resolution providing for the payment of certain claims due the parties whose names are set out herein and for the amounts set opposite their names, said claims being against the Commonwealth of Kentucky and have not been paid because said claims were not filed with the various departments or agencies of the government of this State at a time when there were sufficient funds in the appropriation to said departments to pay said claims and making an appropriation therefor, in the total sum of fifteen thousand, three hundred and ninety-two dollars and two cents (\$15,392.02).

H. Res. 66. Resolution authorizing the payment of G. L. Langdon, former Sheriff of Clay County, Kentucky, the sum of Three Hundred Twenty-nine Dollars (\$329.00) representing moneys spent by him in payment of jury claims which were later disallowed by the Auditor.

H. Res. 68. A joint resolution, appropriating from the General Fund of the State of Kentucky the sum of Seventy Dollars (\$70.00) for payment of claims ordered and issued to the Hon. C. D. Houchins, Judge of the Edmonson County Court, by the Edmonson Circuit Court.

H. Res. 69. Whereas, in January, February and March 1937 Bruce Peters, while a private in Company F, 149th Infantry, was called for duty in Shelbyville, Shelby County, in Frankfort, Franklin County, was unduly and beyond the limits of human endurance, was negligently exposed to water, wind, cold and thereby contracted permanent ill health and diseases for which he is duly advised by his physician there is no recovery.

H. Res. 72. Resolution authorizing and permitting Omelia Bowen Murphy to sue the Commonwealth of Kentucky and the Kentucky State Industrial College, or either of them and the Statute of Limitation not to apply until and from the passage of this resolution.

H. Res. 73. Resolution authorizing Leo Caproni of Maysville, Kentucky, to sue the Commonwealth of Kentucky, or either or both of them, for damages, and providing for payment of the judgment if any judgment is obtained.

H. Res. 74. Joint Resolution authorizing and directing payment of the sum of one thousand four hundred and thirty dollars (\$1,430.00) to Brooks Hargrove, Chief Clerk of the House of Representatives of the General Assembly of the State of Kentucky, and the sum of eight hundred and eighty dollars (\$880.00) to Marshall Barnes, Assistant Clerk of the House of Representatives of the General Assembly of the State of Kentucky, representing the amounts due them for services rendered in 1937 proof reading copied for journals of the 1936 regular session and three 1936 special sessions and one special session of 1936-1937.

H. Res. 78. A joint resolution appropriating from the General Fund of the State of Kentucky for the purpose of paying A. H. Bones, Special Bailiff, Monroe Circuit Court, for services to the Commonwealth, by bringing from outside the County, a witness to testify in behalf of the Commonwealth at the regular April Term of Court 1930, the sum of Forty-Eight Dollars and Sixty Cents (\$48.60) with interest.

H. Resolution No. 79. WHEREAS, The present employees and officers of the General Assembly have rendered faithful service during all sessions of the General Assembly, meeting in regular session, during the year 1938, and

WHEREAS, The General Assembly, in view of the services rendered, deems the compensation allowed by law as provided for in Chapter 88 of the Acts of the General Assembly of 1936, inadequate, etc.

H. Res. 80. Resolution for the benefit of Ben Haskey, Kaley Barker, Zeysing Allen, John H. Twyman, Thomas Moon, Ada O'Nan, Hilton King, Lester E. Moore, Norman Kirk, John Tackett, Jane Collins, Mrs. Jessie Lyons and Mrs. Stella Shields.

H. B. 67. An act to regulate the display and sale of tobacco on loose leaf floors.

H. Res. 81. Joint Resolution authorizing George Lutrell and his wife Nora Lutrell to sue the Commonwealth of Kentucky, the Department of Highways both or either.

H. B. 212. An act to repeal sections thirty-seven-thirteen (37-13), forty-two (42), Forty-two c-three (42c-3), forty-two e-one (42e-1) and sixty-three c-twenty-one (63c-21) of Carroll's Kentucky Statutes, Baldwin's one thousand nine hundred thirty (1930) Revision, and section fortytwo e-five

(42e-5) of Carroll's Kentucky Statutes, Baldwin's one thousand and nine hundred thirty-three (1933) Supplement.

H. B. 357. An act to amend Section 4, Article VI of Chapter 22 of the Acts of the General Assembly of 1906, being Section 4108 of Baldwin's 1936 Edition of Carroll's Kentucky Statutes, by providing for the ad valorem taxation of Distilled Spirits by counties, cities and school districts and providing for a special rate of taxation on such spirits in cities of the first class. Permitting of a referendum and fixing the methods thereof.

H. B. 367. An act to amend and re-enact sections 2739j-76, 2739L-11 and 2739L-14, which sections are part of Chapter 88b relating to motor vehicles, Carroll's Kentucky Statutes, Annotated, Baldwin's 1936 Revision.

H. B. 379. An act concerning wild animals, wild birds and fish; and repealing sections one thousand eight hundred ninety-three b-one (1893b-1) to one thousand nine hundred five-seven (1905-7) inclusive, Sections one thousand nine hundred thirty-eight a-one (1938z-1) to one thousand nine hundred fifty-four-twenty-one (1954-21), inclusive, and Sections one thousand nine hundred fifty-four c-one (1954c-1) to one thousand nine hundred fifty-four c-sixty-nine (1954c-69) inclusive, Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 393. An act to amend and re-enact section 1234, Kentucky Statutes, Baldwin's 1936 Revision, relating to the jurisdiction of courts of offenses committed by convicts.

H. B. 394. An act providing for City School Boards in Cities of the Third Class to make contracts with private institutions for the instruction of students in city schools to obtain

a commercial education, and providing for the payment of such instruction from the city school funds.

H. B. 398. An act to repeal, amend and re-enact Sections 2005-1, 2005-2 and 2005-3 of Carroll's Kentucky Statutes, 1936 Edition, and Chapter 53, paragraphs 1, 2 and 3 of the Acts of 1912, providing for increase of compensation of the members of the General Assembly.

H. B. No. 246. An act relating to chiropractic amending and re-enacting Chapter 154 of the Acts of the General Assembly of 1932.

H. B. 296. An act to amend and re-enact Section 979b-10, Carroll's Kentucky Statutes, 1936 edition, being Section 6 of Chapter 30 of the Acts of the General Assembly of 1936, relating to the assignment, compensation and number of probation and parole officers.

H. B. 297. An act relating to the supervision of paroled convicts.

H. B. 234. An act relating to Highway Patrol conferring powers of peace officers upon Highway Patrolmen; providing for oath and bond of such patrolmen.

H. B. 311. An act providing the manner, method and means of giving notice to the owner or owners of any garment or clothing or wearing apparel or household goods for the purpose of enforcing the common law lien for services or labor rendered by persons, firms, partnerships or corporations, engaged in and conducting a business of dry cleaning or pressing or dyeing or glazing or laundering or washing or altering or repairing or storing of any and all garments, clothing, wearing apparel or household goods and providing a sale of said articles not claimed after certain periods of time.

H. B. 314. An act permitting a county board of education to levy a general tax of not more than the maximum levy for county school districts increased by not more than the lowest of subdistrict levies.

H. B. 348. An act to amend and re-enact Section 1779A-1 of Carroll's Kentucky Statutes, annotated, Baldwin's 1936 Revision, which section is a part of Chapter 47 Article 18, relating to fees.

H. B. 355. An act to amend and re-enact subsections five (5) and nine (9) of Section 1083-a of Carroll's Kentucky Statutes, relating to the administration of justice in courts of justices of the peace in counties having a population in excess of two hundred fifty-thousand (250,000), by providing for the issuance of certain processes, notices, subpoenae and releases and the attestation of copies of matter of record by the recorders for the said courts; for the payment of the salaries provided by law for the offices of constable in the said counties; requiring the performance of certain additional duties by constables and deputy constables in the said counties including the making of certain reports; providing for the execution of the processes of the courts of justices of the peace in the said counties and fixing the duties of constables and deputy constables relative thereto; and whereas, in the said counties intensive industrial and commercial development and consequent density of population have combined to produce definitely changed conditions of life by reason of which demands upon constables and deputy constables therein are continuous, voluminous and exacting, and by reason of which it is necessary to an efficient administration of justice in courts of justices of the peace in the said counties that the constables and deputy constables therein devote the greater part of their time to the execution of the processes of the said courts and there is not the same need to act as peace officers because of provisions made otherwise by law for other peace officers in such counties, now, therefore;

H. B. 364. An act to repeal, amend and re-enact section 425 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to appointment of deputy constables, their powers, bonds, residence and manner of removal.

H. B. 392. An act relating to the improvement of the streets, alleys and other public ways and sidewalks including curb and gutter or parts thereof in cities of the second, third, fourth, fifth and sixth classes by contract with or in cooperation with the Works Progress Administration or other agency or agencies of the United States Government or of the State of Kentucky and providing for the assessment of the abutting property owners to raise money for that purpose and granting a line against the property of said abutting property owners to secure the payment of said assessment in ten equal installments over a period of ten years and the sale and issue of bonds by the city and providing for the enforcement of said lien and the collection of said assessment and said installments.

H. B. 399. An act relating to Revenue and Taxation and Declaring an Emergency.

S. Res. 66. Resolution authorizing the personal representative of Hoyt Hedges, deceased, to file and prosecute suit against Fayette County, Kentucky, and the Fiscal Court of Fayette County, Kentucky.

H. Res. 56. A resolution for the payment to W. H. Southall, of Hopkinsville, Kentucky, a fee for his services in representing T. Fowler Combs, representing the 14th Legislative District and to Alvin Clark for services to F. W. Bowling in a contest hearing held before a Committee of the House of Representatives.

H. Res. 55. A resolution authorizing Harold Jernigan

to sue the Commonwealth of Kentucky and/or the Kentucky Department of Highways.

H. Res. 54. Resolution authorizing Oscar Haight, Jr., administrator of the estate of Archie P. Haight, deceased, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

H. Res. 71. Resolution authorizing E. E. Sandefur of Henderson, Kentucky, to file suit against the Commonwealth of Kentucky and the State Highway Commission, or either.

H. Res. 77. A resolution providing for the purchase of five hundred (500) copies of a "Legislative Manual" for the use of members and employees of the General Assembly, providing for the distribution thereof and for payment thereof.

H. B. 372. An act relating to motor vehicle operators' licenses, repealing, amending and re-enacting sections 2739m-33, 2739m-35, 2739m-37, 2739m-41, 2739m-48, 2739m-49, and 2739m-50 of Carroll's Kentucky Statutes, 1936 Edition, placing certain restrictions upon the renting of motor vehicles, providing for the examination of applicants for motor vehicle operators' licenses, providing licensees shall report change of name and address, providing penalties for the violation of the provisions hereof, making the Department of Revenue responsible for the administration of the financial provisions and the State Highway Patrol responsible for the administration of the safety provisions of the operators' license laws, repealing sections 2739m-43 and 2739m-51 of Carroll's Kentucky Statutes, 1936 Edition, and declaring itself severable.

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structors, registered barbers, registered beauty specialists, registered apprentices and registered manicurists; providing for the establishment of a minimum standard of professional educational of instructors, barbers' beauty culturists, and manicurist; providing for the issuance of certificates of registrations of barbers, beauty culturists, instructors, schools, shops, apprentices and manicurists; regulating the admission of barbers, beauty specialists, apprentices, instructors and manicurists to practice in this state who have practiced barbering or beauty culture in another state of country; providing for the present practitioners in this state; for the issuance and display of certificates of registration for the renewal and the restoration of certificates; providing for the establishment of a board of barber and beautician examiners to be known as the Kentucky State Board of Barber and Beautician Examiners; for the hearing by said board of refusal, revocation, renewal or suspension of any certificate of registration; for perfecting appeal from the board, for fees to be charged for the issuance of registration certificates and for fee to accompany application for examination; for certain shop sanitary regulations; for penalty for violation of any provision of this act; for compensation of members of board and method of appointment by Governor; for organization of said board and its officers; duties of said board, for delegating to it powers to make and publish rules and regulations for the administration of this act and the posting of same in barber shops, beauty shops, barber schools, and beauty schools of this state; for the keeping of the records of the board's proceedings and its publicity; for method of call meetings of the board; for the duties of the board's secretary for compensation of a secretary and each member of the board and limiting salary of any employee, inspector, clerk or assistant; for the declaration by courts of unconstitutionality of any section or part of this act not affecting any part of this act not declared unconstitutional.

This Act shall be known and may be cited as the "Kentucky Barber and Beautician Act."

Whenever, in this Act the word "board" is used it shall be construed to mean the Kentucky State Board of Barber and Beautician Examiners.

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Kentucky to make rules and regulations governing the practice of Optometry and authorizing the Court to issue temporary and permanent injunctions for violation of any of the Kentucky Statutes in reference to Optometry and to provide penalties for a violation of any of the provisions of this Act and to amend Section 2618a-6 Kentucky Statutes by striking the words "sixty (60) days" and substituting therefor "thirty (30) days" so that said section when amended will read as hereinafter set out.

H. Res. 70. A resolution, authorizing E. R. McGuire, doing business at The Grayson Milling Company, to file suit against the Commonwealth of Kentucky and the State Highway Department, or either of them.

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sue the Department of Highways of the Commonwealth of Kentucky, and the Commonwealth of Kentucky, or either or both of them, for damages resulting to him from the explosion of a dynamite cap; and providing for payment of the judgment, if any judgment be obtained.

H. Res. 57. Resolution authorizing John Williamson to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

H. Res. 58. Resolution authorizing F. L. Buchanan to sue the Commonwealth of Kentucky and the State Highway Commission or either.

H. Res. 59. A resolution authorizing J. B. Westerfield to sue the Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, either or both; validating supplemental contract between J. B. Westerfield and the Commonwealth of Kentucky; and authorizing payment of the claim of J. B. Westerfield out of the State Road Fund.

H. Res. 61. A resolution authorizing H. M. Brock to sue the Commonwealth of Kentucky.

H. Res. 62. A resolution authorizing Lillie Hopkins as Administratrix and personal representative of the estate of J. M. Hopkins to sue the Commonwealth.

H. Res. 63. Resolution authorizing Robert Jameson, of Beattyville, Kentucky, for himself and Robert Jameson, Earl Jameson and Hazel J. Sexton, administrators and administratrix of the estate of Thomas Jameson, deceased, to institute suit against the Commonwealth of Kentucky and the State Division of Armories, as successor to the Armory Commission of the Commonwealth of Kentucky, or either.

H. Res. 65. A resolution authorizing George A. Caswell, 1038 Wetterau Avenue, Louisville, Kentucky, his personal representative, executor or administrator to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or either of them, and Statute of Limitation not to apply until and from the passage of this resolution.

H. Res. 76. Resolution authorizing Mary Utley Brown, Administratrix of the estate of Thomas J. Brown, deceased, to sue the Commonwealth of Kentucky.

H. B. 189. An Act repealing, amending and re-enacting Section 551, Kentucky Statutes, relating to corporations, their management and control, the election and qualifications of directors of corporations.

H. B. 58. An Act relating to containers used in the Dairy Industry providing for the registration of such containers, the names and trade-marks used thereon. Providing how and in what manner such containers so registered may be legally used. Prescribing punishment for the illegal use, possession, and, or sale of such containers and repealing all laws or parts of laws in conflict with this Act.

H. B. 244. An act repealing, amending and re-enacting sections 2739g-13 and 2739g-65 of Baldwin's 1936 edition of Carroll's Kentucky Statutes, relating to transfers of motor vehicles and providing penalties for violations of certain statutes relating to motor vehicles.

H. B. 199. An act to repeal, amend, and re-enact Sections 4042a-8 and 4042a-10 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, relating to the compensation of the county tax commissioner—maximum fees and allowance for deputies and deductions for omitted lists.

H. B. 387. An act to repeal, amend and re-enact Section 3142b-11, Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 345. An act to regulate the practice of professional engineering; creating a State Board of Registration for Professional Engineers; defining its powers and duties; imposing certain duties upon the State and political subdivisions thereof in connection with public work; and providing penalties.

With the expression of opinion that each of said bills and resolutions should pass.

Whereupon, said bills and resolutions were each and severally read at length for the first time and

Ordered placed in the Calendar.

Senator Gilbert moved that the Senate do now adjourn.

Said motion was agreed to.

And then the Senate adjourned.

SATURDAY, FEBRUARY 26TH, 1938

The Senate convened and was called to order by the Honorable Keen Johnson, Lieutenant Governor of the Commonwealth and President of the Senate.

The Senate was opened with prayer by the Reverend Harry Alexander, pastor of the Presbyterian Church, South, Frankfort, Kentucky.

The roll of the Senate was called, and the following members answered to their names, viz.:

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	Wm. H. Jones, Jr.	Jos. P. Tackett
Ollie J. Bowen	Leo King	J. E. Trager
Leer Buckley	J. W. McDonald	Ervine Turner
Dr. D. H. Bush	Stanley B. Mayer	Thomas O. Turner
Waller A. Crockett	Strother Melton	E. T. Wesley
Edwin C. Dawson	E. C. Moore	Otis White
W. C. Farmer	J. Lee Moore	O. C. Whitfield
Lee Gibson	Dr. R. C. Moss	B. M. Williams
Ralph Gilbert	Ray B. Moss	J. E. Wise

Senator Dawson moved that the reading of the Journal of the proceedings of Friday, February 25th, 1938, be dispensed with, and the same be approved.

Said motion was agreed to.

Senator Gibson moved that the rules be suspended and the privilege of the floor be extended to Dr. C. W. Vance and Mrs. Vance of Owensboro, Kentucky.

Said motion was unanimously agreed to.

Senator Hillman moved that the rules be suspended and the privilege of the floor be extended to Mr. and Mrs. S. R. Gearhart and Mr. O. L. Kiser of Carter County, Kentucky.

Said motion was unanimously agreed to.

Senator Ervine Turner moved that the rules be suspended and the privilege of the floor be extended to Judge C. P. Henry and Mr. Nathan Salyer of Morgan County, Kentucky.

Said motion was unanimously agreed to.

Senator Ray B. Moss moved that the rules be suspended and the privilege of the floor be extended to Mr. A. J. Walker of Corbin, Kentucky.

Said motion was unanimously agreed to.

Senator Tacket moved that the rules be suspended and the privilege of the floor be extended to Messrs. W. M. Biggers, Tucker and Chandar Tackett.

Said motion was unanimously agreed to.

Senator J. Lee Moore moved that the rules be suspended and the privilege of the floor be extended to Mr. and Mrs. George Duncan of Franklin, Kentucky.

Said motion was unanimously agreed to.

CALENDAR

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day bills and resolutions of the following titles, viz.:

H. Res. 20. A resolution authorizing Ada Hathaway to sue the Commonwealth of Kentucky and the State Highway Commission.

H. Res. 21. Resolution authorizing Sallie B. Jones to sue the Commonwealth of Kentucky and the State Highway Commission.

H. Res. 22. Resolution authorizing Fannie B. Anderson to sue the Commonwealth of Kentucky and the State Highway Commission.

H. Res. 60. Joint Resolution providing for furnishing Kentucky Directory.

H. Res. 64. Resolution providing for the payment of certain claims due the parties whose names are set out herein and for the amounts set opposite their names, said claims being against the Commonwealth of Kentucky and have not been paid because said claims were not filed with the various departments or agencies of the government of this State at a time when there were sufficient funds in the appropriation to said departments to pay said claims and making an appropriation therefor, in the total sum of fifteen thousand, three hundred and ninety-two dollars and two cents (\$15,392.02).

H. Res. 66. Resolution authorizing the payment of G. L. Langdon, former Sheriff of Clay County, Kentucky, the sum of Three Hundred Twenty-nine Dollars (\$329.00) representing moneys spent by him in payment of jury claims which were later disallowed by the Auditor.

H. Res. 68. A joint resolution, appropriating from the General Fund of the State of Kentucky the sum of Seventy Dollars (\$70.00) for payment of claims ordered and issued to the Hon. C. D. Houchins, Judge of the Edmonson County Court, by the Edmonson Circuit Court.

H. Res. 69. Whereas, in January, February and March 1937 Bruce Peters, while a private in Company F, 149th Infantry, was called for duty in Shelbyville, Shelby County, in Frankfort, Franklin County, was unduly and beyond the limits of human endurance, was negligently exposed to water, wind, cold and thereby contracted permanent ill health and diseases for which he is duly advised by his physician there is no recovery.

H. Res. 72. Resolution authorizing and permitting Omelia Bowen Murphy to sue the Commonwealth of Kentucky and the Kentucky State Industrial College, or either of them and the Statute of Limitation not to apply until and from the passage of this resolution.

H. Res. 73. Resolution authorizing Leo Caproni of Maysville, Kentucky, to sue the Commonwealth of Kentucky, or either or both of them, for damages, and providing for payment of the judgment if any judgment is obtained.

H. Res. 74. Joint Resolution authorizing and directing payment of the sum of one thousand four hundred and thirty dollars (\$1,430.00) to Brooks Hargrove, Chief Clerk of the House of Representatives of the General Assembly of the State of Kentucky, and the sum of eight hundred and eighty dollars (\$880.00) to Marshall Barnes, Assistant Clerk of the House of Representatives of the General Assembly of the State of Kentucky, representing the amounts due them for services rendered in 1937 proof reading copied for journals of the 1936 regular session and three 1936 special sessions and one special session of 1936-1937.

H. Res. 78. A joint resolution appropriating from the General Fund of the State of Kentucky for the purpose of paying A. H. Bones, Special Bailiff, Monroe Circuit Court, for services to the Commonwealth, by bringing from outside the County, a witness to testify in behalf of the Commonwealth at the regular April Term of Court 1930, the sum of Forty-Eight Dollars and Sixty Cents (\$48.60) with interest.

H. Resolution No. 79. WHEREAS, The present employees and officers of the General Assembly have rendered faithful service during all sessions of the General Assembly, meeting in regular session, during the year 1938, and

WHEREAS, The General Assembly, in view of the services rendered, deems the compensation allowed by law as provided for in Chapter 88 of the Acts of the General Assembly of 1936, inadequate, etc.

H. Res. 80. Resolution for the benefit of Ben Haskey, Kaley Barker, Zeysing Allen, John H. Twyman, Thomas

Moon, Ada O'Nan, Hilton King, Lester E. Moore, Norman Kirk, John Tackett, Jane Collins, Mrs. Jessie Lyons and Mrs. Stella Shields.

H. B. 67. An act to regulate the display and sale of tobacco on loose leaf floors.

H. Res. 81. Joint Resolution authorizing George Lutrell and his wife Nora Lutrell to sue the Commonwealth of Kentucky, the Department of Highways both or either.

H. B. 212. An act to repeal sections thirty-seven-thirteen (37-13), forty-two (42, Forty-two c-three (42c-3), forty-two e-one (42e-1) and sixty-three c-twenty-one (63c-21) of Carroll's Kentucky Statutes, Baldwin's one thousand nine hundred thirty (1930) Revision, and section forty-two e-five (42e-5) of Carroll's Kentucky Statutes, Baldwin's one thousand nine hundred thirty-three (1933) Supplement.

H. B. 357. An act to amend Section 4, Article VI of Chapter 22 of the Acts of the General Assembly of 1906, being Section 4108 of Baldwin's 1936 Edition of Carroll's Kentucky Statutes, by providing for the ad valorem taxation of Distilled Spirits by counties, cities and school districts and providing for a special rate of taxation on such spirits in cities of the first class. Permitting of a referendum and fixing the methods thereof.

H. B. 367. An act to amend and re-enact sections 2739j-76, 2739L-11 and 2739L-14, which sections are part of Chapter 88b relating to motor vehicles, Carroll's Kentucky Statutes, Annotated, Baldwin's 1936 Revision.

H. B. 379. An act concerning wild animals, wild birds and fish; and repealing sections one thousand eight hundred ninety-three b-one (1893b-1) to one thousand nine hundred five-seven (1905-7) inclusive, Sections one thousand nine hun-

dred thirty-eight a-one (1938a-1) to one thousand nine hundred fifty-four twenty-one (1954-21), inclusive, and Sections one thousand nine hundred fifty-four c-one (1954c-1) to one thousand nine hundred fifty-four c-sixty-nine (1954c-69) inclusive, Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 393. An act to amend and re-enact section 1234, Kentucky Statutes, Baldwin's 1936 Revision, relating to the jurisdiction of courts of offenses committed by convicts.

H. B. 394. An act providing for City School Boards in Cities of the Third Class to make contracts with private institutions for the instruction of students in city schools to obtain a commercial education, and providing for the payment of such instruction from the city school funds.

H. B. 398. An act to repeal, amend and re-enact Sections 2005-1, 2005-2 and 2005-3 of Carroll's Kentucky Statutes, 1936 Edition, and Chapter 53, paragraphs 1, 2 and 3 of the Acts of 1912, providing for increase of compensation of the members of the General Assembly.

H. B. 246. An act relating to chiropractic amending and re-enacting Chapter 154 of the Acts of the General Assembly of 1932.

H. B. 296. An act to amend and re-enact Section 979b-10, Carroll's Kentucky Statutes, 1936 edition, being Section 6 of Chapter 30 of the Acts of the General Assembly of 1936, relating to the assignment, compensation and number of probation and parole officers.

H. B. 297. An act relating to the supervision of paroled convicts.

H. B. 234. An act relating to Highway Patrol confer-

ring power of peace officers upon Highway Patrolmen; providing for oath and bond of such patrolmen.

H. B. 311. An act providing the manner, method and means of giving notice to the owner or owners of any garment or clothing or wearing apparel or household goods for the purpose of enforcing the common law lien for services or labor rendered by persons, firms, partnerships or corporations, engaged in and conducting a business of dry cleaning or pressing or dyeing or glazing or laundering or washing or altering or repairing or storing of any and all garments, clothing, wearing apparel or household goods and providing a sale of said articles not claimed after certain periods of time.

H. B. 314. An act permitting a county board of education to levy a general tax of not more than the maximum levy for county school districts increased by not more than the lowest of subdistrict levies.

H. B. 348. An act to amend and re-enact Section 1779A-1 of Carroll's Kentucky Statutes, annotated, Baldwin's 1936 Revision, which section is a part of Chapter 47 Article 18, relating to fees.

H. B. 355. An act to amend and re-enact subsections five (5) and nine (9) of Section 1083-a of Carroll's Kentucky Statutes, relating to the administration of justice in courts of justices of the peace in counties having a population in excess of two hundred fifty-thousand (250,000), by providing for the issuance of certain processes, notices, subpoenae and releases and the attestation of copies of matter of record by the recorders for the said courts; for the payment of the salaries provided by law for the offices of constable in the said counties; requiring the performance of certain additional duties by constables and deputy constables in the said counties including the making of certain reports; providing for the

execution of the processes of the courts of justices of the peace in the said counties and fixing the duties of constables and deputy constables relative thereto; and whereas, in the said counties intensive industrial and commercial development and consequent density of population have combined to produce definitely changed conditions of life by reason of which demands upon constables and deputy constables therein are continuous, voluminous and exacting, and by reason of which it is necessary to an efficient administration of justice in courts of justices of the peace in the said counties that the constables and deputy constables therein devote the greater part of their time to the execution of the processes of the said courts and there is not the same need to act as peace officers because of provisions made otherwise by law for other peace officers in such counties, now, therefore;

H. B. 364. An act to repeal, amend and re-enact section 425 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to appointment of deputy constables, their powers, bonds, residence and manner of removal.

H. B. 392. An act relating to the improvement of the streets, alleys and other public ways and sidewalks including curb and gutter or parts thereof in cities of the second, third, fourth, fifth and sixth classes by contract with or in cooperation with the Works Progress Administration or other agency or agencies of the United States Government or of the State of Kentucky and providing for the assessment of the abutting property owners to raise money for that purpose and granting a lien against the property of said abutting property owners to secure the payment of said assessment in ten equal installments over a period of ten years and the sale and issue of bonds by the city and providing for the enforcement of said lien and the collection of said assessment and said installments.

H. B. 399. An act relating to Revenue and Taxation and Declaring an Emergency.

S. Res. 66. Resolution authorizing the personal representative of Hoyt Hedges, deceased, to file and prosecute suit against Fayette County, Kentucky, and the Fiscal Court of Fayette County, Kentucky.

H. Res. 56. A resolution for the payment to W. H. Southall, of Hopkinsville, Kentucky, a fee for his services in representing T. Fowler Combs, representing the 14th Legislative District and to Alvin Clark for services to F. W. Bowling in a contest hearing held before a Committee of the House of Representatives.

H. Res. 55. A resolution authorizing Harold Jernigan to sue the Commonwealth of Kentucky and/or the Kentucky Department of Highways.

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pany application for examination; for certain shop sanitary regulations; for penalty for violation of any provision of this act; for compensation of members of board and method of appointment by Governor; for organization of said board and its officers; duties of said board, for delegating to it powers to make and publish rules and regulations for the administration of this act and the posting of same in barber shops, beauty shops, barber schools, and beauty schools of this state; for the keeping of the records of the boards proceedings and its publicity; for method of call meetings of the board; for the duties of the boards secretary for compensation of a secretary and each member of the board and limiting salary of any employee, inspector, clerk or assistant; for the declaration by courts of unconstitutionality of any section or part of this act not affecting any part of this act not declared unconstitutional.

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H. Res. 59. A resolution authorizing J. B. Westerfield to sue the Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, either or both; validating supplemental contract between J. B. Westerfield and the Commonwealth of Kentucky; and authorizing payment of the claim of J. B. Westerfield out of the State Road Fund.

H. Res. 61. A resolution authorizing H. M. Brock to sue the Commonwealth of Kentucky.

H. Res. 62. A resolution authorizing Lillie Hopkins as Administratrix and personal representative of the estate of J. M. Hopkins to sue the Commonwealth.

H. Res. 63. Resolution authorizing Robert Jamseon, of Beattyville, Kentucky, for himself and Robert Jamson, Earl Jameson and Hazel J. Sexton, administrators and administratrix of the estate of Thomas Jameson, deceased, to institute suit against the Commonwealth of Kentucky and the State Division of Armories, as successor to the Armory Commission of the Commonwealth of Kentucky, or either.

H. Res. 65. A resolution authorizing George A. Caswell, 1038 Wetteran Avenue, Louisville, Kentucky, his personal representative, executor or administrator to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or either of them, and Statute of Limitation not to apply until and from the passage of this resolution.

H. Res. 76. Resolution authorizing Mary Utley Brown, Administratrix of the estate of Thomas J. Brown, deceased, to sue the Commonwealth of Kentucky.

H. B. 189. An Act repealing, amending and re-enacting Section 551, Kentucky Statutes, relating to corporations, their management and control, the election and qualifications of directors of corporations.

H. B. 58. An Act relating to containers used in the Dairy Industry providing for the registration of such containers, the names and trade-marks used thereon. Providing how and in what manner such containers so registered may be legally used. Prescribing punishment for the illegal use, possession,

and, or sale of such containers and repealing all laws or parts of laws in conflict with this Act.

H. B. 244. An act repealing, amending and re-enacting sections 2739g-13 and 2739g-65 of Baldwin's 1936 edition of Carroll's Kentucky Statutes, relating to transfers of motor vehicles and providing penalties for violations of certain statutes relating to motor vehicles.

H. B. 199. An act to repeal, amend, and re-enact Sections 4042a-8 and 4042a-10 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, relating to the compensation of the county tax commissioner—maximum fees and allowance for deputies and deductions for omitted lists.

H. B. 387. An act to repeal, amend and re-enact Section 3142b-11, Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 345. An act to regulate the practice of professional engineering; creating a State Board of Registration for Professional Engineers; defining its powers and duties; imposing certain duties upon the State and political subdivisions thereof in connection with public work; and providing penalties.

Senator Trager moved that the Constitutional provision as to the second reading at length of said bills and resolutions be dispensed with, and same be read the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills and resolutions being dispensed with, same were read the second time by their titles only and

Ordered placed in the Orders of the Day.

CALENDAR

At the instance of the Committee on Rules, the Senate took up for consideration from the Calendar a bill entitled, viz.:

H. B. 413. An Act amending charters of cities of the third class to provide for the creation of a civil service commission, prescribing their duties and declaring their qualifications; providing for examination of all applicants for municipal employment; providing for the dismissal of employees and to provide for appeal to Circuit Court and Court of Appeals; providing for the creation of a board of trustees of a pension fund, prescribing their duties; authorizing the establishment and maintenance of a pension fund and stipulating a limitation by such cities with limitations herein provided for, and declaring an emergency to exist.

Senator Gilbert moved that the Constitutional provision as to the second reading at length of said bill be dispensed with and same be read the third time by its title only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bill being dispensed with, said bill was read the second time by its title only and

Ordered placed in the Orders of the Day.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

H. B. 129. An Act providing for the regulation of the manufacture of and traffic in alcoholic beverages; requiring licenses therefor and fixing the amounts of license fees;

creating Kentucky State Alcoholic Beverage Control Board, with appropriate powers for the enforcement of this Act; fixing the compensation of members of said Board and employees to be appointed by it; authorizing the issuance, revocation and suspension of licenses; imposing prohibitions, restrictions and regulations and fixing penalties for violations of this Act; empowering counties, and cities of the first, second and third classes, to have local alcoholic beverage administrators with appropriate powers to adopt and enforce restrictions and regulations of the alcoholic beverage traffic in such city or county, in conformity with this Act; to issue local licenses and fix the fees therefor, to revoke same, and to impose local regulations and penalties, not inconsistent with this Act; transferring the functions and resources of the Division of Alcoholic Control in the Department of Business Regulation to the Department of Revenue; repealing certain sections of Carroll's Kentucky Statutes, 1936 edition, and all inconsistent laws; and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

TITLE I.

SHORT TITLE; DEFINITIONS

§ 1. *Short Title.* This Act shall be known and may be cited and referred to as the "Alcoholic Beverage Control Law."

§ 2. *Definitions.* Whenever used in this Act, unless the context requires otherwise:

(1) "Alcohol" means and includes ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process produced.

(2) "Alcoholic Beverage" or "Beverage" means and includes alcoholic spirits, liquor, rum, wine, beer, ale, porter,

stout, and every liquid or solid patented or not, containing alcohol in an amount in excess of that now permitted or that may hereafter be permitted under Chapter I of the Acts of the General Assembly of 1936, known as the Local Option Law, or any amendment thereof, and capable of being consumed by a human being and every spurious or imitation liquor sold as, or under any name commonly used for alcoholic beverages, whether containing any alcohol or not. Provided that there is excepted from this definition of alcoholic beverages the following products if they are unfit for use for beverage purposes: (a) medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopœia, national formulary or the American Institute of Homeopathy; (b) patented, patent and proprietary medicines; (c) toilet, medicinal and antiseptic preparations and solutions; and (d) flavoring extracts and syrups.

(3) "Beer" or "Malt Beverage" means and includes any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute therefor, and having an alcoholic content greater than that now permitted or that may hereafter be permitted under Chapter I of the Acts of the General Assembly of 1936, known as the Local Option Law, or any amendment thereof.

(4) "Board" or "State Board" or similar abbreviation used herein means the Kentucky State Alcoholic Beverage Control Board created by this Act.

(5) "Bottle" means and includes any container, irrespective of the material from which it is made, for use in the sale of alcoholic beverages at retail.

(6) "Bottling" means the placing of alcoholic beverages in any retail container irrespective of the material from which said container is made.

(7) "Brewer" means and includes any person who owns, occupies, carries on, works or conducts any brewery, either by himself or by his agent.

(8) "Brewery" means and includes any place or premises where beer is manufactured for sale; and all officers, granaries, mash rooms, cooling rooms, vats, yards and store-rooms connected therewith, or where any part of the process of the manufacture of beer is carried on, or where any apparatus connected with such manufacture is kept or used, or where any of the products of brewing or fermentation are stored or kept, shall be deemed to be included in and to form a part of the brewery to which they are attached or are appurtenant.

(9) "Building containing licensed premises" means and includes the licensed premises themselves and also any part of any building in which such premises are contained, any part of any other building connected with such building by direct access or by a common entrance.

(10) "Commissioner" means the Commissioner of Revenue of the Commonwealth of Kentucky.

(11) "Convicted" and "Conviction" mean and include a finding of guilt resulting from a plea of guilty, or the decision of a court or magistrate, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension thereof.

(12) "Department" means the Department of Revenue of the Commonwealth of Kentucky.

(13) "Distillers" means and includes any person engaged in the business of manufacturing distilled spirits at any distillery in the Commonwealth of Kentucky, duly registered in the office of the Collector of Internal Revenue for the United States at Louisville, Kentucky.

(14) "Distillery" means and includes any place or premises duly registered in the office of any Collector of Internal Revenue for the United States where distilled spirits are manufactured for sale, and includes any United States Government Bonded Warehouse.

(15) "Distributor" means and includes anyone, whether distributor, jobber, broker, agent or other person, whether

enumerated in the Act or not, who distributes malt beverages for the purpose of being sold at retail.

(16) "Field Representative" means and includes all employees or agents of the Department of Revenue who are regularly employed and whose primary function is to travel from place to place for the purpose of visiting taxpayers and all employees or agents of said Department who may be assigned, temporarily or permanently, by the Commissioner to duty outside of the main office of the Department at Frankfort, in connection with the administration of this Act.

(17) "License" means and includes any license issued pursuant to this Act.

(18) "Licensee" means and includes any person to whom a license has been issued pursuant to this Act.

(19) "Liquor" means and includes all alcoholic beverages.

(20) "Manufacture" means and includes distilling, rectifying, brewing, bottling, and operating a winery.

(21) "Manufacturer" means and includes a vintner, distiller, rectifier, or brewer and any other person, whether included in the aforesaid categories or not, engaged in the production and/or bottling of alcoholic beverages.

(22) "Person" means and includes individual, partnership, joint stock company, business, trust, association, corporation or other form of business enterprise, including a receiver, trustee or liquidating agent.

(23) "Premises" or "Licensed Premises" means and includes the land and building or buildings in and upon which any business regulated under this Act is operated or carried on. This shall not be construed, however, to include as a single unit two separate businesses or enterprises of one owner on the same lot or tract of land, in the same or in different buildings.

(24) "Rectifier" means and includes any person who rectifies, purifies or refines distilled spirits or wines by any

process other than as provided for on distillery premises, and every person who, without rectifying, purifying or refining distilled spirits, by mixing such spirits, wines or liquors with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wines, spirits, cordials, bitters or any other name.

(25) "Retail Sale" or "Sale at Retail" means and includes any sale where delivery is made in Kentucky to any person not holding a license under this Act.

(26) "Retailer" means and includes any person who sells at retail any beverage for the sale of which a license is required under the provisions of this Act.

(27) "Sale" means and includes any transfer, exchange or barter, in any manner or by any persons whatsoever for consideration, and means and includes all sales made by any person, whether principal, proprietor, agent, servant or employee, of any alcoholic beverage. To sell includes to solicit or receive an order for, to keep or expose for sale, and to keep with intent to sell, and includes the delivery of any alcoholic beverage in this Commonwealth.

(28) "Spirits" or "Distilled Spirits" means and includes any product capable of being consumed by a human being which contains alcohol in excess of the amount now permitted or that may hereafter be permitted by Chapter I of the Acts of the General Assembly of 1936, known as the Local Option Law, or any amendment thereof, obtained by distilling, mixed with water or other substances in solution, except wine as herein defined.

(29) "Vintner" means and includes any person who owns, occupies, carries on, works, conducts or operates any winery, either by himself or by his agent, except persons who manufacture wine for sacramental purposes exclusively.

(30) "Warehouse" means and includes any place in which alcoholic beverages are housed or stored.

(31) "Wholesale sale" or "Sale at wholesale" means and includes a sale to any person for the purpose of resale.

(32) "Wholesaler" means and includes any person who sells at wholesale any beverage for the sale of which a license is required under the provisions of this Act, except a distiller, rectifier, brewer, or vintner.

(33) "Wine" means and includes the product of the normal alcoholic fermentation of the juices of fruits, with the usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed 24 per cent by volume.

(34) "Winery" means and includes any place or premises wherein wine is manufactured from any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are compounded, and also includes a winery for the manufacture of wine in any other state or country than Kentucky which has and maintains a branch factory, office or storeroom within this Commonwealth and receives wine within this Commonwealth consigned to a United States Government bonded winery, warehouse or storeroom located within this Commonwealth.

(35) Wherever the context permits it, the masculine gender includes the feminine and neuter, the singular number includes the plural and any tense of a verb includes every other tense.

(36) All other words used in this Act shall be defined according to the Statutes in such cases made and provided, if any, and otherwise shall be defined according to the custom and usage of the people of Kentucky.

TITLE II.

ADMINISTRATION

ARTICLE I.

DIVISION OF ALCOHOLIC CONTROL.

§ 3. *Functions.* The administration of this Act and the regulation of the traffic in alcoholic beverages in this Commonwealth is hereby vested in the Department of Revenue.

§ 4. *Organization.* (a) The administration of this Act in relation to traffic in distilled spirits and wine shall be in charge of a distilled spirits unit, under the supervision of the Commissioner of Revenue. (b) The administration of this Act in relation to traffic in malt beverages shall be in charge of a malt beverage unit, under the supervision of the Commissioner of Revenue.

§ 5. *Administrators: Salaries.* The distilled spirits unit and the malt beverage unit shall each be headed by an Administrator appointed by the Commissioner of Revenue. The salaries of said Administrators shall be fixed by the Commissioner of Revenue in accordance with Section 4618-154 (Reorganization Bill) of Carroll's Kentucky Statutes, 1936 edition, and they shall be exempt from the test provided for in Section 4618-90 (Reorganization Bill) of Carroll's Kentucky Statutes, 1936 edition.

§ 6. *Powers and Duties of Administrators.* The Administrators, subject to the supervision and control of the Commissioner, shall exercise severally any of the functions, powers and duties conferred upon the Department by law, which the Commissioner may delegate to them. The Administrator of the distilled spirits unit shall have authority to issue or refuse to issue any license provided for in this Act authorizing traffic in distilled spirits and wine; and the Administrator of the malt beverage unit shall have authority to issue or refuse to issue any license provided for in this Act authorizing traffic in malt beverages.

§ 7. *Alcoholic Beverage Control Board; Creation; Functions; Limitations.* The Kentucky Tax Commission shall constitute the Alcoholic Beverage Control Board, which shall have the following functions, powers and duties:

(1) To adopt reasonable regulations governing the conduct of its own business and the procedure relative to applications for and revocations of licenses and relative to all other matters over which the Board is given jurisdiction by this

Act, and for the supervision and control of the manufacture, sale, transportation, storage, advertising, and trafficking of alcoholic beverages throughout the Commonwealth. Such rules and regulations need not be uniform in their application, but may vary in accordance with reasonable classifications.

(2) To limit in its sound discretion the number of licenses of each kind or class to be issued in this Commonwealth or within any political subdivision thereof, and to restrict the locations of licensed premises. To this end the Board may divide and subdivide this Commonwealth or any political subdivision thereof into sections or districts, provided the classification be reasonable, and the rules and regulations relating to the granting, refusal and revocation of licenses may be different within the several divisions or subdivisions so created.

(3) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath, and in connection therewith require the production of any books or papers relative to the inquiry, regardless of whether said witnesses are licensees. The power provided in this subsection may be delegated by the Board to any member or employee of the Department. The provisions of the Civil Code of Practice, shall, where applicable, apply to subpoenas issued pursuant to this subsection, but such subpoena shall be effective throughout the Commonwealth, and shall be enforceable by petition to a court of competent jurisdiction. The Department is hereby authorized to pay witnesses the per diems and mileage provided in section 1734 of Carroll's Kentucky Statutes, 1936 edition, for witnesses in Circuit Courts.

(4) To conduct hearing and appeals under the provisions of sections 14, 15, 42 and 44 of this Act and render decisions upon the subjects of the hearings and appeals.

(5) To suspend, revoke or cancel for cause, and after a hearing, any license issued under this Act; and

(6) To close, lock and bar, for a period not to extend beyond June 30 next following, any building or premises in

or upon which a violation of this Act has taken place. If the violation was within the knowledge of the owner, or was committed or permitted in or upon property owned by a licensee under this Act, the Board shall prohibit the issuance of a license for the building or premises until the expiration of two years from the time the offense was committed.

(7) To suspend a license for any cause for which the Board is authorized to exercise its discretion as to revoking a license.

§ 8. *Employees of Department.* The Commissioner, subject to the provisions of Section 4618-90 (Reorganization Bill) of Carroll's Kentucky Statutes, 1936 edition, may appoint and remove such employees and assistants as may be necessary, and shall fix their compensation within the budget appropriation therefor.

§ 9. *Powers of Members, Officers and Employees.* The Administrators and all Field Representatives shall have full police powers such as are now vested in sheriffs and other peace officers, provided the jurisdiction of said Administrators and Field Representatives shall be coextensive with the boundaries of the Commonwealth. They shall have authority to inspect or examine any premises where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in, without first having obtained a search warrant; and shall have authority to confiscate any contraband property.

§ 10. *Disqualification of members and employees of Department; Penalties.* No member of the State Alcoholic Beverage Board, no State Alcoholic Beverage Administrator, or secretary thereto, and no Field Representative of the Department authorized to assist in the administration of this Act, shall have any interest either proprietary, or by means of any loan, mortgage or lien, or in any other manner in or on any premises or business where alcoholic beverages are manufactured, stored or sold. Nor shall he receive any commission or profit whatsoever, direct or indirect, from any person apply-

ing for or receiving any license or permit provided for in this Act; provided, however, that no person shall be disqualified under this section solely by reason of any interest arising out of his membership in a club as defined in this Act; and provided further that no person now holding office as an associate member of the Kentucky Tax Commission shall be deemed to be disqualified by the provisions of this section, from acting as a member of the State Alcoholic Beverage Control Board. If any person, after an opportunity to be heard by the Commissioner, shall be found to have violated any of the provisions of this section, his office or position shall thereupon automatically become vacant, and upon conviction by a court of competent jurisdiction he shall be deemed guilty of a felony and punished by a fine not to exceed five thousand dollars or by imprisonment for a term not to exceed two years, or by both such fine and imprisonment; and if a member of the Kentucky State Tax Commission shall be disqualified or shall fail to give the bond and take the oath required by this Act, the Governor shall fill the vacancy by appointment for the period during which said member of the Kentucky Tax Commission remains disqualified, or fails to qualify.

§ 11. *Oath of Office and Bond.* Each member of the Board, before entering upon his duties, shall take the oath prescribed in section 228 of the Constitution, and shall execute a bond with a good and solvent corporate surety in the penal sum of \$5,000 faithfully to perform the duties of his office, pursuant to the provisions of sections 3751 et sequitur of the Kentucky Statutes. The Department may require any of its employees to execute a similar bond in such penal sum as it may deem necessary, conditioned upon the proper and faithful performance of their duties and the satisfactory accounting of all monies received or disbursed by such employees. The cost of such bonds shall be borne by the Department.

§ 12. *Salaries of Board Members.* Associate members of the Kentucky Tax Commission who serve as members of

the Kentucky Alcoholic Beverage Control Board and persons appointed by the Governor to fill vacancies on said Board shall receive five hundred dollars annually, in monthly installments, for their services as members of said Board.

§ 13. *Legal Counsel for Board.* The Attorney General of this Commonwealth shall, subject to the approval of the Commissioner of Revenue, appoint an additional assistant Attorney General whose sole duty shall be to act as legal counsel for the distilled spirits unit and the malt beverage unit. The assistant Attorney General appointed under this section shall be paid from the Department of Revenue appropriation, an annual salary not to exceed four thousand dollars.

ARTICLE II.

LOCAL CONTROL AUTHORITIES

§ 14. *County Alcoholic Beverage Control Administrators and Local Regulations Thereby—Provisions Concerning.* In each county in which traffic in alcoholic beverages is not forbidden under sections 2554c-1 to 2554c-42 of Carroll's Kentucky Statutes, 1936 edition, wherein it is determined by resolution of the Fiscal Court that the regulation by the county of the traffic in alcoholic beverages therein is necessary, the county judge shall constitute a County Alcoholic Beverage Administrator for said county. He shall serve without salary save the salary to which he is entitled as county judge and he shall be disqualified to act as County Alcoholic Beverage Control Administrator by any fact that would disqualify a member of the Kentucky Tax Commission under section 10 of this Act from acting as a member of the State Alcoholic Control Board. Any person who shall act as County Administrator in violation of this provision shall be subject to the penalties provided in section 10 of this Act. If he shall be disqualified to act as County Alcoholic Beverage Control Administrator, or if any vacancy in such office shall occur for any other reason, the Judge of the Circuit Court of

such county shall appoint to such position some person at least thirty years of age who, at the time of such appointment, shall have been a citizen of this Commonwealth and a resident of that county for at least two years next preceding the date of such appointment, and who is able to qualify. Such appointee shall serve during the unexpired portion of the term or until the county judge is able and willing to qualify. Such appointee shall serve without compensation. The functions, powers and duties of each County Administrator shall be the same, with respect to local licenses and regulations, as the functions, powers and duties of State Alcoholic Beverage Control Board, with respect to State licenses and regulations, except that no rule or regulation adopted by any County Administrator may be less stringent than the provisions set up in this Act or than those set up in the rules and regulations of the State Board, and no rule or regulation of a County Administrator shall become effective until approved by the State Board. Before entering upon his duties as County Administrator the county judge or the appointee shall take the oath prescribed in section 228 of the Constitution, and shall execute a bond with a good corporate surety in the penal sum of \$1,000 faithfully to perform the duties of his office, pursuant to the provisions of sections 3751 et sequitur of the Kentucky Statutes. The cost of said bond shall be borne by the county. Upon the qualification of any party as County Administrator it shall be his duty to immediately so notify the State Board. If any city within any county shall appoint its own Alcohol Administrator as provided for in section 15 of this Act the County Administrator in such county shall have jurisdiction over only that portion of the county which lies without the corporate limits of such city. In no event shall any person be eligible to apply to the State Board for any state license provided for under this Act until he shall have applied to his County Administrator, if he is subject to the jurisdiction of any County Administrator, and shall have obtained approval of his application for the county license, if in said county a

county license is required. Appeals from the orders of each County Administrator may be taken by any party aggrieved to the State Alcoholic Control Board by filing with the latter board within ten days a certified copy of the orders of the County Administrator, whereupon the matters at issue shall be heard as upon an original proceeding. Appeals from orders of the County Administrator in such case and the procedure upon appeals, shall be governed by the terms and provisions of section 48 of this Act.

§ 15. *City Alcoholic Beverage Administrators and Local Regulations Thereby Permitted in Cities of the First Three Classes—Provisions Concerning.* The municipal legislative body of any city of the first, second or third class in which traffic in alcoholic beverages is permitted under sections 2554c-1 to 2554c-42 of Carroll's Kentucky Statutes, 1936 edition, may, by ordinance duly enacted, create a City Alcoholic Beverage Administrator. No person shall be a City Administrator or employee thereof who would be disqualified to be a member of the State Board under the terms of section 10 of this Act and any person who acts as a City Administrator or employee thereof in violation of this provision shall be subject to the penalties provided in said section. The City Administrator of each city of the first class shall be appointed by the Commissioner of Revenue, with the approval of the Governor, and shall be paid by the city for which he is appointed, an annual salary of not less than three thousand dollars (\$3000) nor more than thirty-six hundred dollars (\$3600). The City Administrator in each city of the second and third class shall be appointed by the Mayor, or by the City Manager if there be one. The functions, powers and duties of each City Administrator shall be the same, with respect to city licenses and regulations, as the functions, powers and duties of the State Alcoholic Beverage Control Board with respect to state licenses and regulations, except that no rule or regulation adopted by any City Administrator may be less stringent than the provisions set up in this Act or than

those set up in the rules and regulations of the State Board and no rule or regulation of a City Administrator shall become effective until approved by the State Board. Each City Administrator before entering upon his duties as such, shall take the oath prescribed in section 228 of the Constitution and shall execute a bond with a good corporate surety in the penal sum of not less than \$1,000 faithfully to perform the duties of his office, pursuant to the provisions of sections 3751 et sequitur of Carroll's Kentucky Statutes, 1936 edition. Each City Administrator may require any of his employees to execute a similar bond in such penal sum as he may deem necessary, conditioned upon the proper and faithful performance of his duties and a satisfactory accounting of all monies received and disbursed by such employee. The cost of such bonds shall be borne by the city. No person shall be eligible to apply to the State Board for any state license provided for under this Act until he shall have applied to his City Administrator, if he is subject to the jurisdiction of a City Administrator, and shall have obtained approval of his application for the City License. Appeals from the orders of each City Administrator, may be taken by any party aggrieved to the State Alcoholic Control Board by filing with the latter Board within ten days a certified copy of the orders of the City Administrator, whereupon the matters at issue shall be heard as upon an original proceeding. Appeals from orders of the City Administrator in such cases and the procedure upon appeals, shall be governed by the terms and provisions of section 48 of this Act.

TITLE III.

LICENSES AND LICENSE TAXES

ARTICLE I.

LOCAL LICENSES

§ 16. *County Licenses and Taxes; Provisions Concerning.* The fiscal court of each county in this Commonwealth

in which traffic in alcoholic beverages is not forbidden under sections 2554c-1 to 2554c-42 of Carroll's Kentucky Statutes, 1936 edition, shall have power and authority to impose and collect license fees or taxes for the privilege of engaging in the business of trafficking in alcoholic beverages. It shall be the duty of the county clerk immediately to notify the State Board of the amount of the taxes fixed. Only such licenses may be issued as correspond, in their provisions and the business authorized, to Retail Package Licenses, Retail Drink Licenses, and Beer Retailer's Licenses as provided in this Act. The license fees or taxes imposed shall in no event exceed twice the amount of the fees or taxes imposed in sections 18 and 96 of this Act and any amount paid to any incorporated city within the county as a license tax for the same privilege for the same year may be credited against the county license tax. The licenses authorized by this section shall be issued and the taxes collected by the county clerk who may charge a fee of fifty cents for his services for each license issued. The county clerk shall report and pay to the county treasurer at the end of each month such taxes as he has collected. No license shall be issued without the approval of the County Administrator if there be one in the county. The licenses shall be issued in such form as may be prescribed by the County Administrator, if there be one in the county, or by the State Control Board if there be no County Administrator.

§ 17. *City Licenses and Taxes; Provisions Concerning.* The city council, board of aldermen, or other municipal legislative body of each incorporated city in this Commonwealth in which traffic in alcoholic beverages is permitted under sections 2554c-1 to 2554c-42 of Carroll's Kentucky Statutes, 1936 edition, shall have power and authority to impose and collect license fees or taxes for the privilege of engaging in the business of trafficking in alcoholic beverages. It shall be the duty of the city clerk immediately to notify the State Alcoholic Beverage Control Board of the amount of the taxes fixed. Only such licenses may be issued as correspond in their pro-

visions and the business authorized, to the licensees provided for in subsections four, five and six of section 18 and subsections two, three and six of section 96 of this Act. The license fees or taxes imposed shall in no event exceed twice the amount of fees or taxes imposed in sections 18 and 96 of this Act except that the fee or tax imposed upon beer retailers may be fixed at any sum not exceeding two hundred (200) dollars. The licenses authorized by this section shall be issued and the taxes collected by such appropriate municipal official as may be designated by ordinance, and he shall report and pay to the city treasurer at the end of each month such taxes as he has collected. No license shall be issued by the clerk without the approval of the City Administrator, if there be one in the city. The licenses shall be issued in such form as may be prescribed by the City Administrator, if there be one in the city, or by the State Control Board if there be no City Administrator.

ARTICLE II.

KINDS OF STATE LICENSES AND TAXES FOR DISTILLED SPIRITS AND WINES

§ 18. *Expiration Date of Licenses; License Taxes.* All licenses issued under this Act shall expire on June 30th of each year. There shall be the following kinds of licenses, each of which shall be printed so as to be readily distinguishable from each other, to wit:

(1) Distiller's license, the fee for which shall be \$500.00 per annum.

(2) Rectifier's license, the fee for which shall be \$1,500 per annum, provided, in the case of an applicant who performs the functions of a rectifier only to a limited extent, there may be issued a limited Rectifier's or Blender's license, the fee for which shall be \$500. A Blender's License shall be issued only to applicants who produce or process traditional Kentucky whiskies exclusively. A Blender's License shall authorize the

holder to produce not exceeding five thousand barrels annually and to perform only the following functions:

(a) Blend and bottle Straight Whiskies produced in Kentucky, which have been aged in new charred oak barrels in unheated Kentucky Warehouses for not less than four and not more than twelve years, to which nothing shall be added except imported Spanish Blending Sherry and/or genuine rock candy syrup and/or distilled water, and which contains artificial coloring; or

(b) Bottle straight whiskies produced in Kentucky, which have been aged in new charred oak barrels in unheated Kentucky Warehouses for not less than four nor more than twelve years; or

(c) Bottle white Kentucky Whiskey of any age which has been filtered through charcoal in a manner permitted by the Federal Government.

(3) Vintner's License, the fee for which shall be \$500 per annum.

(4) License to sell distilled spirits and wine at wholesale, the fee for which shall be \$1,000 per annum.

(5) License to sell distilled spirits and wine at retail by the package for consumption off the premises, the fee for which, according to the location of the dispensary, shall be as follows:

In counties containing cities of the first class—\$500 (Five hundred dollars).

In counties containing cities of the second class—\$400 (Four hundred dollars).

In counties containing cities of the third class—\$300 (Three hundred dollars).

In counties containing cities of the fourth class—\$200 (Two hundred dollars).

In all other counties—\$100 (One hundred dollars).

(6) License to sell distilled spirits and wine at retail by the glass, for consumption on the premises, the fee for which,

according to the location of the dispensary, shall be as follows:

In counties containing cities of the first class—\$700 (Seven hundred dollars).

In counties containing cities of the second class—\$400 (Four hundred dollars).

In counties containing cities of the third class—\$300 (Three hundred dollars).

(7) License to transport distilled spirits and wine to or from any point in Kentucky, the fee for which shall be \$10 per annum.

(8) License to sell distilled spirits and wine by the package or by the glass upon railroad dining cars, the fee for which shall be \$50 per annum.

(9) Special licenses as provided for in section 29 of this Act, the fee for which shall be \$2.00 per annum except as in this Act otherwise specifically provided.

§ 18½. *Licenses for Railroad Systems.* The Department of Revenue is hereby authorized to issue a Railroad System License to any railroad company upon the payment of a license tax of \$1,000.00. Notwithstanding the provisions of sections 2554c-1 to 2554c-42, inclusive, of Carroll's Kentucky Statutes, 1936 edition, such a license shall authorize the sale of alcoholic beverages at retail by the drink or by the package upon any train operated by it in the Commonwealth of Kentucky, which includes a dining car; provided sales are made only while said train is in motion. The payment of the license tax provided in this section shall be accepted in lieu of all license and excise taxes due by the holder in connection with the retailing of alcoholic beverages.

Notwithstanding the provisions of this Act or of sections 4281c-1 to 4281c-25, inclusive, of Carroll's Kentucky Statutes, 1936 edition, holders of licenses provided under this section shall be permitted to retail alcoholic beverages in unbroken packages smaller than one-half pints and shall be permitted to purchase alcoholic beverages from non-residents.

§ 19. *Credit on State Retail Licenses.* On retail package and retail drink licenses issued by the State for any license period beginning on or after July 1, 1939, there shall be credited on the license tax one half of any amount required to be paid to any county or to any incorporated city for the same privilege for the same year, provided the amount of the tax for the State license shall in no event be reduced more than fifty per cent.

§ 20. *Abatement of Taxes for Licenses for Fractional Parts of Fiscal Year.* When any person shall apply for any license, authorized to be issued under this Act, after July 1st of any year, he shall be charged, if such license be granted, an amount equal to as many twelfths of the annual license tax as there are calendar months (including the month in which the license is granted) until the following July 1st, except that no license shall be issued for a shorter period than six months. No abatement of license taxes shall be permitted or granted to any person who held a license of the same kind for the same premises in the preceding license period and who was actually doing business under said license during the last month of the preceding license period.

ARTICLE III.

TRAFFIC AUTHORIZED BY VARIOUS LICENSES.

§ 21. *Business Authorized Under Distiller's, Rectifier's or Vintner's License, Respectively.* A distiller's, rectifier's or Vintner's license, as the case may be, shall authorize the holder thereof, at the premises specifically designated in the license, to engage in the business of distiller, rectifier, or vintner, as the case may be, as those terms are defined in this Act, and to transport for himself only any alcoholic beverage which he is authorized under this license to manufacture or sell, provided that he so transports such beverages by a truck, wagon, or other vehicle owned and operated by himself, and which shall have affixed to its sides at all times a sign of such

form and size as may be prescribed by the State Board, containing among other things the name and license number of the holder of such license, and further provided that no distilled spirits or wine shall be transported on the same truck or vehicle with malt beverages, except by a common carrier.

§ 22. *Transactions Permitted and Prohibited to Distillers, Rectifiers, and Vintners.* Sales and deliveries of alcoholic beverages may be made at wholesale, and from the licensed premises only, (1) by distillers to licensed rectifiers, licensed vintners, holders of special non-beverage alcohol licenses so far as they are authorized to make the purchases, or other licensed distillers; by rectifiers or other licensed vintners, or to the holders of special non-beverage alcohol licenses; or (2) by distillers, rectifiers or vintners to licensed wholesalers; or (3) by licensed distillers, rectifiers or vintners for export out of the Commonwealth; provided, no distiller, rectifier or vintner, shall sell or contract to sell, give away or deliver any alcoholic beverages to any person, who is not duly authorized by the law of the State of his residence and of the Federal Government if located in the United States, to receive and possess said alcoholic beverages; and in no event shall he sell or contract to sell, give away or deliver, any of his products to any retailer or consumer in Kentucky.

Distillers may purchase distilled spirits only from other licensed distillers in this Commonwealth or in another state, territory or province.

Rectifiers may purchase distilled spirits or wine only from distillers or vintners licensed under this Act; or from non-residents duly authorized by the law of the State of their residence and by the Federal Government, if located in the United States, to make the sales.

Vintners may purchase distilled spirits or wine only from distillers or vintners licensed under this Act or from non-residents duly authorized by law of the State of their resi-

dence and by the Federal Government, if located in the United States, to make the sales.

Provided nothing in this act shall be construed to prohibit the purchase or sale of warehouse receipts by any person or persons but this provision shall not authorize the owner of any such receipt to accept delivery of any distilled spirits unless the owner is qualified under this law to receive the same.

§ 23. *Business Authorized Under a Wholesaler's License.* A wholesaler's license shall authorize the holder thereof to purchase, receive, store, and possess distilled spirits and wine; to sell same at wholesale, from the licensed premises only; and to transport from his licensed premises for himself only any alcoholic beverages which he is authorized under his license to sell, provided that he so transport such beverages in the manner provided for manufacturers in section 21 of this Act provided further, that he is to be permitted to transport distilled spirits and/or wine from a manufacturer's warehouse to his licensed premises, if consumer's spirit stamps have been properly affixed to the spirits or wine which he so transports, and that no wholesaler shall transport distilled spirits or wine in interstate commerce.

§ 24. *Transactions Permitted and Prohibited to Wholesalers.* A wholesaler may sell, deliver and transport distilled spirits and wine at wholesale, and from the licensed premises only, to:

- (1) Other licensed wholesalers.
- (2) Licensed retailers.

(3) For export out of the Commonwealth to parties duly authorized by the law of the State and their residence, and by the Federal Government, if located in the United States, to receive same, provided distilled spirits and wine so exported shall be shipped only by common carrier.

No wholesaler shall sell or contract to sell, give away or deliver any distilled spirits or wine to any person in Ken-

tucky who is not duly licensed under this Act to receive, possess, distribute or sell same, and in no event shall he sell or contract to sell, give away or deliver any distilled spirits or wine to any consumer. Provided, this section in no event shall be construed to permit sales or deliveries of distilled spirits in Kentucky by licensed wholesalers to unlicensed non-residents.

Wholesalers may purchase and receive distilled spirits and wine at wholesale from distillers, rectifiers, vintners or other wholesalers licensed under this Act, or from non-residents duly authorized by the law of the State of their residence, and by the Federal Government if located in the United States, to make the sales. Holders of Wholesale Licenses are hereby prohibited from transporting distilled spirits or wine from any point to their own licensed premises, except as provided in section 89.

§ 25. *Business Authorized Under a Retail Package License.* A Retail Package License shall authorize the holder thereof to purchase, receive, possess and sell distilled spirits and wine at retail in unbroken packages only and only for consumption off the licensed premises. The holder of such a license shall purchase distilled spirits and wine in retail packages only and only from wholesalers licensed under this Act. Such Retailers may sell only to consumers and may make deliveries only at the premises designated in their licenses.

§ 26. *Business Authorized Under Retail Drink License.* A Retail Drink License shall authorize the holder thereof to purchase, receive, possess and sell distilled spirits and wine at retail by the glass for consumption on the licensed premises. The holder of such a license shall purchase distilled spirits and wine only from wholesalers licensed under this Act and shall not buy or possess distilled spirits in containers of a capacity smaller than twenty ounces, except mixed drinks may be bought in containers of a capacity not smaller than twelve ounces, if such mixed drinks contain a substantial pro-

portion of carbonated water. Holders of Retail Drink Licenses are hereby prohibited from selling distilled spirits or wine by the package for consumption off the premises.

§ 27. *Business Authorized Under a Transporter's License.* A Transporter's License shall authorize the holder to transport distilled spirits and wine to or from the licensed premises of any licensee under this Act, provided both the consignor and consignee in each case are authorized by the law of the states of their residence, respectively, to sell, purchase, ship, or receive the alcoholic beverages, as the case may be.

§ 28. *Business Authorized Under Dining Car License.* A Special Dining Car License may be issued to any railroad or Pullman Car company which shall authorize the holder to exercise only on a particular dining car designated in the license, the privileges of a Retail Drink licensee as set out in section 26 of this Act, subject to the same restrictions provided in the case of a Retail Drink licensee.

§ 29. *Kinds of Special Licenses.* The following kinds of licenses may be issued by the Distilled Spirits Administrator for carrying on the activities enumerated in the next section with respect to distilled spirits and wine: Namely,

- (1) Special Non-Beverage Alcohol Vendor's Licenses.
- (2) Special Industrial Alcohol License.
- (3) Special Non-Industrial Alcohol License.
- (4) Special Agent's or Solicitor's License.
- (5) Special Storage or Warehouse License, the fee for which shall be \$50.00 per annum.
- (6) Special Temporary License.
- (7) Special Private Club License, the fee for which shall be \$150.00.

(8) Such other Special License as the State Alcoholic Beverage Control Board may find necessary for the administration of this Act and for the proper regulation and control of the traffic in distilled spirits, and may provide for by

regulation duly adopted. In fixing the amount of such license taxes as are required to be fixed by the State Board, it shall have regard for the value of the privilege granted and fix the amount of the tax in keeping with the policy expressed in section 18 and this Act.

§ 30 *Business Authorized Under Special Licenses; Exemption from Consumer's Tax; Sales in Local Option Territory.* Upon a proper application the Distilled Spirits Administrator may issue:

(1) A special Non-Beverage Alcohol Vendor's License which shall authorize the holder to purchase, import, possess, store and sell alcohol only to holders of Special Industrial Alcohol Licenses or Special Non-Industrial Alcohol Licenses, or for export out of the Commonwealth for non-beverage purposes. Nothing in this Act shall be construed to prevent the Administrator from issuing a Special Non-Beverage Alcohol Vendor's License to a non-resident.

(2) A special Industrial Alcohol License which shall authorize the holder to purchase alcohol only from the holder of a Distiller's License or special Non-Beverage Alcohol Vendor's License and possess alcohol for use in the manufacture and sale of any of the following products, when they are unfit for beverage purposes, namely:

(a) Denatured alcohol produced, used, and sold pursuant to Acts of Congress and regulations promulgated thereunder.

(b) Patent, Proprietary, medicinal, pharmaceutical antiseptic, and toilet preparations.

(c) Flavoring extracts, syrups and food products.

(d) Scientific, chemical, mechanical, and industrial products.

(3) A Special Non-Industrial Alcohol License to any duly authorized and bona fide hospital, museum, laboratory, charitable, educational or similar public or private institution, or to a drug store employing a licensed pharmacist, or to a

licensed physician, which license shall entitle the holder to import alcohol or to purchase alcohol in Kentucky only from the holder of a Special Non-Beverage Alcohol Vendor's License and to use same only for non-beverage purposes.

(4) A Special Agent's or Solicitor's License to a duly authorized representative, employee or agent of, or solicitor for a distiller, rectifier, vintner or wholesaler, who has been duly licensed under this Act, or who is a non-resident of this Commonwealth and duly licensed by the State of residence and by the United States if a resident therein. Such license shall authorize the holder to offer for sale and to solicit orders for the sale of any alcoholic beverage sold by a distiller, rectifier, vintner or wholesaler who has been duly licensed under this Act or who is a non-resident of this Commonwealth and shall set forth the name, address and, unless it be a non-resident of this Commonwealth, the license number of the vendor or vendors whom the agent or solicitor represents, as well as the name, address and license number of such agent or solicitor. Such agent or solicitor shall not represent any vendor or licensee whose name does not appear upon such license.

(5) A Special Warehouse License to parties not otherwise entitled under this Act to store or warehouse distilled spirits or wine, but who are so authorized by the Federal Government and who are required to keep as a part of their permanent records United States Treasury Department Forms 52A and 52B, which license shall authorize the licensee to operate a warehouse or place of storage for distilled spirits or wine on the premises specifically designated.

(6) A Special Temporary License to any regularly organized fair, exposition, racing association, or other party, when in the opinion of the State Board a necessity therefor exists, which license shall authorize the licensee to exercise the privileges of Retail Drink Licensee at the designated premises for a certain specified and limited time, not in any

event longer than thirty days. All restrictions and prohibitions applying to a Retail Drink Licensee shall apply also to a Special Temporary Licensee. The fee for such license shall be one-sixth of the taxes for a full year's license for each month or part of a month for which the Special Temporary License is issued.

(7) A Special Private Club License to any non-profit social, fraternal, military or political organization or club, which for more than one year prior to the date of application has maintained and operated a club room or rooms from which the general public is excluded. Such license shall authorize the licensee to exercise the privilege of Retail Drink Licensee at the designated premises, provided the general public is excluded. All restrictions and prohibitions applying to a Retail Drink Licensee shall apply to a Special Private Club Licensee.

(8) Notwithstanding the provisions of Chapter I of the Acts of the General Assembly at the Third Extraordinary Session, 1936, being sections 4281c-1 to 4281c-24, inclusive, of Carroll's Kentucky Statutes, 1936 edition, all distilled spirits and wine purchased by holders of the Special Licenses provided for in sub-sections two and three of this section and purchased and used in the manner authorized by said Special Licenses, shall be exempt from consumer's tax of \$1.04 per gallon on distilled spirits and 25c per gallon on wine.

(9) No provisions contained in sections 2554c-1 to 2554c-42, inclusive, of Carroll's Kentucky Statutes, 1936 edition, shall be construed to prevent the issuance of the Special License provided in sub-sections two and three of this section to persons located in local option territory or to prevent said persons from exercising the privileges granted in said license.

ARTICLE IV.

LICENSES: WHO MAY RECEIVE AND HOW OBTAINED.

§ 31. *Inconsistent Licenses Not to be Held.* The licenses

listed in section 18 and the special licenses listed in section 29 of this Act shall be considered inconsistent with every other, and any person holding a license of any of the kinds above referred to shall be ineligible to apply for and is hereby prohibited from holding a license of another kind; except nothing in this section shall be construed to prevent the holder of a Retail Package License from holding also either a Retail Drink License or a Special Non-Industrial Alcohol License, or to prevent the holder of a Transporters License from holding also a Special Storage or Warehouse License, or to prevent the holder of a Wholesalers License from holding also a Special Non-Beverage Alcohol Vendor's License or a Special Industrial Alcohol License or a Vintner's License, or to prevent the holder of a Distiller's License from holding a Rectifier's License, or to prevent any person from holding two or more licenses of the same kind.

§ 31½. *Licenses Prohibited in Certain Localities.* Licenses to sell distilled spirits and wine by the drink for consumption on the premises may be issued only for premises located (1) within incorporated cities of the first, second, or third class, or (2) elsewhere in counties containing a city of the first, second, or third class, provided said counties maintain an adequate police force under the provisions of sections 3780 to 3786, inclusive, Carroll's Kentucky Statutes, 1936 edition.

Licenses to sell distilled spirits or wine by the package may be issued only for premises located within incorporated cities, or elsewhere in counties containing a city of the first, second, or third class, provided said counties maintain an adequate police force under the provisions of sections 3780 to 3786, inclusive, of Carroll's Kentucky Statutes, 1936 edition; provided, however, that despite the general policy of restricting sales by the package as hereinbefore set out, the Board may nevertheless, after a field investigation, issue a license to sell distilled spirits and wine by the package at premises not located within an incorporated city if: (1) sub-

stantial aggregations of population would otherwise not have reasonable access to a licensed vendor, (2) the premises to be licensed under this proviso shall be used exclusively for the sale of distilled spirits and wine by the package and will not be used in any degree or manner, in connection with a dance-hall, roadhouse, restaurant, store or any other commercial enterprise, except as a drugstore in which a registered pharmacist is employed, and (3) the part of any premises licensed under this proviso, which is available to the public shall not, except in the case of a drugstore, exceed one hundred square feet of floor space and shall not contain any chairs, benches, stools, or similar furniture or fixtures.

§ 32. *Corporate Entity Disregarded.* In all cases in which the provisions of this Act prohibit the holder of one kind of license from applying for or holding any other kind of license, an applicant shall not be permitted to evade the prohibition against applying for or holding licenses of two kinds by applying for a second license under the cloak of a separate Corporate entity. The Administrator is hereby authorized to examine into the ownership and management of corporations which apply for licenses or which hold licenses, and shall deny the application for a license to any party substantially interested in another incompatible license.

§ 33. *Applications for Licenses: Issuance of Same.* Applications for any license provided for in section 18 of this Act shall be made to the Administrator of the Distilled Spirits Unit at his office in Frankfort, Kentucky; shall be in writing on forms furnished by the Department of Revenue, and verified: and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as this Act or the State Board shall by regulation require. Said application shall be accompanied by a certified check, or cash, or a postal or express money order for the amount of money required by this Act for a license of the kind applied for. If the Administrator shall grant the application he shall issue the proper license in such form as shall be deter-

mined by the State Board by regulation, subject to the provisions of section 38 of this Act. No license except those provided in sub-sections 6 and 8 of section 29 of this Act shall be issued in less than twenty days or delivered in less than thirty days from the time the application and remittance were received by the Department of Revenue.

§ 34. *Deposit and Refund of Taxes.* Any remittance made to the Department of Revenue in payment of a license tax shall immediately be deposited in State Treasury and credited to the General Expenditure Fund. In the event that the payment was erroneously made or that the Administrator refuses to issue the license the Department of Revenue if at the expiration of ten days no appeal has been filed under section 42 of this Act, shall authorize the refund of the amount paid or the amount erroneously paid. An amount sufficient to cover all refunds above referred to is hereby appropriated for each fiscal year hereafter, to be paid out of the General Expenditure Fund in the same manner that other obligations of the Commonwealth are paid. No further appropriation shall be required to authorize the refunds above referred to and same shall be made whether the payments were voluntary or involuntary, were made under protest or not.

§ 35. *Notice of Intention to Apply for License.* Every person before applying for any license under section 18 of this Act shall advertise his intention so to apply by inserting in a newspaper of general circulation in the county in which are located the premises for which the license is sought (if there be any such newspaper in the county and if there be no newspaper of general circulation in the county then in the closest adjacent city which has such a newspaper) at least once a week for two consecutive weeks next before such application is filed, a concise advertisement stating the name and address of the applicant if he be an individual, the names and addresses of the members of partnership if the applicant be a partnership, as well as the name of the business and its address, or, if the applicant be a corporation, the names and ad-

dresses of the principal officers and directors of the corporation, as well as the name and address of the corporation itself; the location of the premises for which the license is sought, and the type of license to be applied for. The applicant shall attach to the application a newspaper clipping of such advertisement and a proof of such publication, substantially in the following form, to-wit:

“State of Kentucky,

County ofss.:

..... of being first duly sworn, says that he is..... of the publisher of the, a newspaper printed and published in the State of, County of, and having a general circulation in the County of, and that the advertisement of which the annexed is a true copy has been published in said newspaper on the following dates, viz.:

.....
(Line for signature)

Subscribed and sworn to before me, a Notary Public within and for the State and County aforesaid, by to me personally known, this day of My commission expires the day of

.....
Notary Public.....

County”

§ 36. *Sworn Information to be Contained in Applications, Revocation for False Statement.* In addition to such other information as the Alcoholic Beverage Board may by its rules and regulations require, every application for a license under this Act shall contain the following information, given under oath:

(1) The name, age, address and residence of each applicant, and if there be more than one and they be partners, the partnership name and address, and the names, ages and

addresses of the several persons so applying, and the facts as to his or their citizenship.

(2) The name and address of each person interested or to become interested in the Business for which the license is sought, together with the nature of such interest; and if such applicant be a corporation, the names, addresses and ages of each officer, director and managerial employee and the facts as to their citizenship, and the State under the laws of which such corporate applicant is incorporated, provided the Department is hereby authorized to require the names of all the stockholders.

(3) The premises to be licensed, stating the street and number, if the premises have a street number, and otherwise such apt description as will reasonably indicate the location thereof. The applicant shall also state the nature of his interest in the premises; and the name, age and address of any other person, either as principal or associate interested with the applicant either in the premises or in the business to be licensed, and the facts as to his or their citizenship.

(4) A statement that neither such applicant nor any of the other persons referred to in this section has been convicted of a felony or of any misdemeanor directly or indirectly attributable to the use, manufacture, sale of or traffic in intoxicating liquors; that he has not, or that they have not, had any license issued to him or to any of them under this Act or any prior alcoholic beverage act revoked for cause within two years prior to the date of such application, or been convicted of a violation of any of the provisions of this Act within such period.

(5) A statement that the applicant will in all respects and in good faith conscientiously abide by all the provisions of this Act and of any other Act or ordinance relating to alcoholic beverages which may be in force in the location at which the applicant seeks to do business, as well as all rules and regulations of the State Alcoholic Beverage Board and,

if the applicant seeks to do business in a locality where local regulations are in effect, all rules and regulations of the local alcoholic beverage control authority.

(6) If there be any change after the granting of a license in any of the facts required to be set forth in such application, a supplemental statement in writing giving notice of such change, duly verified, shall be filed with the Alcoholic Beverage Board within ten days after such change. Failure so to do shall, if willful and deliberate, make mandatory the revocation of the license. In giving any notice, or taking any action in reference to a license, the Alcoholic Beverage Board may rely upon the information furnished in the application or in the supplemental statement connected therewith, and such information, as against the licensee or applicant, shall be conclusively presumed to be correct. The information required to be furnished in such application or supplemental statement shall be deemed material in any prosecution for perjury.

(7) Any false material statement contained in an application shall be ground for refusal to issue a license, or if the falsity of the statement be not discovered until after a license has been issued, revocation of such license shall be mandatory.

§ 37. *Bond to Accompany Each Application.* Every applicant for a license under section 18 of this Act shall accompany his application with a bond to the Commonwealth of Kentucky in such penal sum as may be prescribed by the rules and regulations of the State Alcoholic Beverage Board, with a corporate surety approved by the Division of Insurance of the Department of Business Regulation of the Commonwealth of Kentucky as to solvency and responsibility and authorized to transact business within this Commonwealth, conditioned that such applicant, if granted the license sought, will not suffer or permit any violation of the provisions of this Act and all fines and penalties which shall accrue during the time that the license shall be in effect will be paid, together

with all costs taxed or allowed in any proceeding brought or instituted for a violation of any of the provisions of this Act.

Every applicant for a wholesaler's license shall, in addition to the bond above referred to, accompany his application with a bond to the Commonwealth of Kentucky, in the minimum amount of \$2,000, or an amount equal to three times the monthly tax liability, whichever shall be less, and up to a maximum amount sufficient in the opinion of the Department, the financial reputation and rating of the applicant considered, not in any event to exceed \$25,000, to insure payment to the State of Kentucky of the amount of tax and penalties and interest for which the dealer may become liable, on a form to be approved by the Department and with surety thereon approved by the Department and upon which such applicant shall be the principal obligor and the State of Kentucky shall be the obligee, conditioned upon the prompt payment by the wholesaler to the Department of any and all taxes which are now or might hereafter be levied or imposed by the State of Kentucky, together with all penalties and/or interest thereon. In the event the surety or sureties on this bond shall become unsatisfactory in the opinion of the Department, the Department may require the wholesaler to file a new bond with satisfactory surety in the same amount, failing which the Department shall forthwith revoke the license of said wholesaler. In the event that upon hearing, of which the licensee shall be given five days' notice in writing, the Department shall decide that the amount of the existing bond is insufficient then said licensee shall forthwith, upon written demand of the Department, file an additional bond in the same amount, manner and form and with a surety approved by the Department, failing which the wholesaler's license shall immediately be revoked. Any surety on any bond furnished by any wholesaler as above provided shall be released and discharged from any and all liability to the State of Kentucky accruing on such bond after the expiration of sixty days from the date upon which the

surety shall have filed with the Department written request to be released and discharged. Provided, however, that such a request shall not operate to relieve, release and discharge such surety from any liability already accrued, or shall accrue before the expiration of said sixty day period.

A suit to recover on any of the bonds mentioned in this section may be brought in the Franklin Circuit Court or in the Circuit Court of the county in which the licensed premises are located, in the name of the Commonwealth of Kentucky, by the Commissioner of Revenue or on relation of any party aggrieved, and in the event that the obligor named in such bond has violated any of the conditions of such bond, recovery of the penal sum of such bond may be had in favor of the Commonwealth of Kentucky or of the party aggrieved or judgment for tax, penalties and interest may be rendered in favor of the Commonwealth of Kentucky.

§ 38. *Form of Licenses.* All licenses issued under this Act shall be in such form as may be prescribed by the rules and regulations of the Alcoholic Beverage Board not inconsistent with the provisions of this Act, and they shall contain:

(1) Name and address of the person to whom the license is issued.

(2) The number of the license.

(3) The type of the license.

(4) A description by street and number, or otherwise, of the licensed premises.

(5) The name and address of the owner of the building in which the licensed premises are located.

(6) The expiration date of such license.

(7) A statement in substance that such license shall not be, or be deemed, a property or vested right, and that it may be revoked at any time pursuant to law.

§ 39. *Statement of Cause of Revocation to be Furnished Licensees.* There shall be printed and furnished by the Department of Revenue to each licensee under this Act a state-

ment of the cause for which licenses may be revoked. Such statement shall be prepared by the Distilled Spirits Administrator or the Malt Beverage Administrator and delivered to the licensee with his license, or as soon thereafter as may be practical, and said Administrator shall take from said licensee a signed receipt stating that he has received and read said statement. Any changes in or additions to the causes for which licenses may be revoked shall also be sent by the Distilled Spirits Administrator or the Malt Beverage Administrator to each licensee at his address as it appears in his application or the last amendment thereto, as soon as may be practical after such changes in or additions to the cause for which licenses may be revoked become effective. Failure to furnish such statement or to send such notice of changes therein, or the failure of the licensee to receive or read same, or any error contained in such statement or notice of changes therein shall not, however, be an excuse or justification for any violation of law, or prevent, remit or decrease any penalty therefor.

§ 40. *License to be Framed, Posted and Not Defaced; Lost or Destroyed Licenses.* Before commencing or doing any business for the time for which a license under section 18 of this Act has been granted said license shall be enclosed in a suitable wood or metal frame enclosing a clear glass space so that the whole of said license may be seen therein, and shall be posted and at all times displayed in a conspicuous place in the room or principal room where such business is carried on, so that all persons visiting such place may readily see the license. It shall be unlawful for any person holding a license to post such a license, or to permit it to be posted, upon premises other than the premises licensed, or upon premises where traffic in alcoholic beverages is being carried on by any person other than the licensee, or knowingly to deface, destroy or alter any such license in any respect. Whenever a license shall be lost or destroyed without fault on the part of the licensee or his agents or employees, a duplicate license in lieu

thereof shall be issued by the Distilled Spirits Administrator upon submission of satisfactory proof and payment of a fee of \$5.00.

§ 41. *Cause for Refusal of License.* Any license authorized to be issued under this Act must be refused if the applicant therefor or the premises for which same is sought do not comply fully with all the terms and provisions of this Act, and with the rules and regulations of the Alcoholic Beverage Board, or of any ordinance relative to the regulation of the manufacture, sale, and transportation of alcoholic beverages, or of any rules and regulations of any City Administration or County Administrator created or authorized to be created by this Act, or if the applicant shall have done any act for which a revocation of license would be authorized under this Act; and if the applicant seeks to do business in a City or County wherein a City Administrator or County Administrator shall have required a local permit or license for the sale, manufacture or transportation of alcoholic beverages, then any application to the State Alcoholic Beverage Board for a license authorized to be issued by it under this Act must be refused if the applicant shall not first have procured approval of application for a local permit or license; and in any event, any license authorized to be issued under this Act may be refused for any reason which the Administrator in the exercise of his sound discretion, may deem sufficient.

§ 42. *Rejection of Application, Request for Hearing.* Every applicant for a license authorized to be issued under this Act, if he so desired, shall be entitled to a hearing by the State Alcoholic Beverage Board, or such persons as it may select or designate, before the Administrator rejects his application. If said Administrator determines to reject the application he shall notify the applicant of the fact by mailing a registered letter to him directed to the address given in his application or in the last statement filed supplementary thereto. If within ten days after the date of the mailing of such notice of intended rejection the applicant indicates in writing

his desire to be present and heard, his application shall not finally be passed upon until the Board shall have fixed a day for such hearing.

ARTICLE V.

REVOCATION AND SUSPENSION OF LICENSES.

§ 43. *Causes for Revocation.* Any license issued under this Act may be revoked by the State Board if the licensee shall have violated any of the provisions of this Act or of sections 4214a-12 to 23 inclusive, 4281c-1 to 25 inclusive, 2554b-1 to 79 inclusive or 2554-1 to 8 inclusive of Carroll's Kentucky Statutes, 1936 edition, or any rule or regulation of the Department of Revenue or the Division of Alcoholic Control of the Department of Business Regulation in effect before the passage of this Act or now in effect, relating to the regulation of the manufacture, sale and transportation or taxation of alcoholic beverages or if any such licensee shall violate any of the rules and regulations of the State Alcoholic Beverage Board or if such licensee shall have violated or shall violate any act of Congress or any rules or regulation of any Federal board, agency or commission, or any ordinance now, heretofore, or hereafter in effect relating to the regulation of the manufacture, sale and transportation or taxation of intoxicating liquors or any rules or regulations of any local Alcoholic Beverage authority or any similar body heretofore in existence or authorized by the terms of this Act to be created, or if any clerk, agent, servant, or employee of any licensee shall violate any of the laws, regulations or ordinances above referred to, irrespective of whether the licensee knew of or permitted the violation or whether the violation was committed in disobedience of his instructions, or any such license may be revoked for any cause which the Alcoholic Beverage Board, in the Exercise of its sound discretion, deems sufficient. A license may be revoked for any of the reasons for which the Administrator would have been required to refuse

a license if the facts had been known. Any license issued under this Act must be revoked for the following causes:

(1) Conviction of the licensee or his agent or employee for selling any illegal beverages on the premises licensed.

(2) Making any false, material statement in an application for a license.

(3) Transferring, assigning, pledging, depositing or hypothecating a license, or paying for the license of another or permitting another to pay for one's own license.

(4) Violation of the provisions of section 62 and section 67 of this Act shall cause a forfeiture of the licenses issued under section 18 of this Act to all parties participating or concerned in the violation.

(5) Selling or agreeing to sell alcoholic beverages to a wholesaler or retailer or any person for resale who is not licensed at the time.

(6) If, within a period of two consecutive years, there shall have been two or more convictions of any licensee or of any of his clerks, servants, agents or employees for any violation of the terms and provisions of this Act or any Act heretofore or hereafter in effect relating to the regulation of the manufacture, sale and transportation of alcoholic beverage or if, within such period, any licensee or any of his clerks, servants, agents or employees shall have twice been convicted of any felony or of any misdemeanor directly or indirectly attributable to the use of intoxicating liquors, or of one such felony and one such misdemeanor.

(7) Willful and deliberate failure or default of a licensee to pay an excise tax or any part thereof, or any penalties imposed by or under the provisions of any Statutes, ordinances or Acts of Congress relative to taxation, or for a violation of any rules or regulations of the Department of Revenue made in pursuance thereof.

(8) Revocation of any license or permit provided in sections 16 and 17 of this Act or granted under any Act of Con-

gress relative to the regulation of the manufacture, sale and transportation of alcoholic beverages.

§ 44. *Procedure Relative to Revocations.* The Distilled Spirits Administrator or the Malt Beverage Administrator or such person as he may select or designate may, on his own initiative, or on complaint of any person, institute proceedings to revoke any license issued under this Act. Such revocation shall not be had except upon five days notice to the licensee and an opportunity by him to be heard. All such hearings shall be before the State Board or such person as it may select or designate, and shall be conducted in accordance with the provisions of section 48 of this Act.

§ 45. *Surrender of Revoked License; Notice to Police Officials.* Within three days after any order of revocation of a license issued pursuant to this Act shall have become final, notice of such revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to such application shall be deemed sufficient compliance with the provision contained in this section relative to notice. Such licensee shall thereupon at once surrender his license to the State Alcoholic Beverage Board. If the license revoked be for premises located in any city having a police force of its own, said Board, immediately upon mailing said notice of the revocation of the license shall mail to the chief official of the police department of such city a written notice stating the fact of the revocation, the name of the licensee whose license was revoked, the address of the premises theretofore licensed under such revoked license, and the date of the revocation. If the license revoked be for premises not located in any city having a police force of its own, said Board shall in like manner and at like time mail a similar notice to the sheriff of the county in which said premises are located. If the revoked license be not forthwith surrendered by the licensee it shall be the duty of such police official, or

sheriff, as the case may be, at the request of said Board, immediately to cause one of his officers to take physical possession of such license and return same to said Board.

§ 46. *Revocations: Disposition of Stock.* When a license issued under this Act shall have been revoked the former licensee shall have the right, under the supervision of the Administrator to dispose of and transfer his stock of alcoholic beverages to a party or parties who hold licenses under this Act, provided such disposition of stock on hand shall not be delayed longer than ninety days in the case of distillers, rectifiers, or vintners, nor longer than thirty days in the case of wholesalers or distributors, nor longer than twenty days in the case of retailers. Transfers in such cases shall be exceptions to provisions as to the rights of licensees to make purchases, as set out in sections 21, 23, 26, and 28 of this Act.

§ 47. *Suspension of Licenses.* Upon proceedings for the revocation of any license under section 44 of this Act the State Control Board may in its discretion order a suspension of the license for any cause for which it may, but is not required to, revoke the license under the provisions of section 43: except a suspension shall be ordered only in case of a first offense and shall in no case extend longer than sixty days. Appeals from orders of suspension and the procedure thereon shall be the same as are provided for orders of revocation in sections 48 and 49 of this Act.

§ 48. *Conduct of Hearing by State Board.* Hearings upon appeals from orders of a County Administrator under section 14, or from order of a City Administrator under section 15, or from a decision of an Administrator under section 42, or upon proceedings for revocation or suspension under section 44 or 47 of this Act shall be held by the State Control Board or by a referee designated by said Board. The Board or the referee shall control the introduction of evidence, and shall hear all arguments of the parties or their counsel as it or he deems necessary or appropriate. The procedure on hearings provided for in this section shall be summary, and

in accordance with the rules and regulations of the State Control Board. A record of the orders appealed from or the charges filed, of the evidence heard and of all steps taken, shall be kept by the Board. In case a referee is appointed to hold hearings, decisions shall be made and orders entered nevertheless only upon vote of a majority of the Board.

§ 49. *Judicial Review of Order of Board; Parties and Procedure; Costs.* Any order of the Alcoholic Beverage Board refusing a license or revoking or suspending a license may be appealed from by the applicant or licensee, as the case may be, and any order of said Board granting a license or refusing to revoke or suspend a license may be appealed from by any citizen feeling himself aggrieved. The party aggrieved may, within ten days after the entry of the order with which he is dissatisfied, file in the office of the Clerk of the Franklin Circuit Court an attested copy of the order, of all the evidence heard, and of all the steps taken by the said Board relative to the order being contested, provided he shall first post a bond to secure the costs of that action in such sum as may be approved by the Circuit Clerk, with a corporate surety approved by the Division of Insurance of the Department of Business Regulation as to solvency and responsibility and authorized to transact business in this Commonwealth. The State Board and the licensee or applicant shall be necessary parties to all such appeals. The Circuit Court Clerk shall thereupon docket the case as though it were a petition in equity, and shall immediately issue a summons for said State Board, if the appeal be taken by an applicant or licensee, or a summons for said State Board and the licensee if the appeal be prosecuted by a citizen. Such summons shall be returnable in the same manner as are summonses in equity cases. If the appeal be from an order refusing to grant a license or revoking or suspending a license, it shall be the duty of the State Board, when served with such summons, or of such person as it may designate, to appear and defend the action of the State Alcoholic Beverage Board in refusing to grant

or in revoking the license in question. If the appeal be from an order granting a license or refusing to revoke or suspend a license the burden of appearing and defending the action of said Board shall be upon the licensee

No formal pleading shall be required in such appeals, but the case shall be set down by the court for as early a day as possible for a hearing, and such appeals shall in all respects be expedited as are declaratory judgment suits; after such hearing the court shall enter a judgment sustaining or setting aside the order of the State Alcoholic Beverage Control Board appealed from. No new or additional evidence may be introduced in the Circuit Court except as to the fraud or misconduct of some party engaged in the administration of this Act and affecting the order appealed from, but the Circuit Court shall otherwise hear the case upon the record as attested by the Board, and shall in all respects dispose of the appeal in a summary manner, its review being limited to determining whether or not:

- (1) The Board acted without or in excess of its powers.
- (2) The order appealed from was procured by fraud.
- (3) If questions of fact are in issue, whether or not any substantial evidence supports the order appealed from.

Any party aggrieved by a judgment of the Circuit Court may appeal to the Court of Appeals in the same manner that appeals are taken under the declaratory judgment act.

If the appeal be from an order refusing to grant a license, or revoking or suspending a license, the costs shall be taxed against the applicant or licensee in any event. If the appeal be from an order granting a license or refusing to revoke or suspend a license, the costs shall be taxed against the citizen who, feeling himself aggrieved, has contested the order, in the event that the order of the Board granting the license or refusing to revoke or suspend the license, is sustained. In the event that such order is set aside with direction to the Board to refuse the license or to revoke or suspend the license, the costs shall be taxed against the licensee.

No order granting a license shall become effective, and no license thereunder shall be issued, until the expiration of ten days after the date of the entry of such order; and if, within said period of ten days, an appeal from said order shall have been filed as provided by this section, then such order shall not become effective until said appeal shall have been finally determined.

If a license shall be revoked or suspended by an order of the Board, the licensee shall at once suspend all business or other operations authorized under his license, except as provided in section 46 of this Act, though he may file an appeal in the Circuit Court from the order of revocation or suspension, and no court shall have authority to issue an injunction to suspend the operation of an order of revocation or suspension pending an appeal. If upon appeal to the Circuit Court an order of suspension or revocation is upheld, or if an order refusing to suspend or revoke a license is reversed, and an appeal is taken to the Court of Appeals, no court shall have authority to issue an injunction to suspend the operation of the judgment of the Circuit Court pending the appeal.

§ 50. *Authorization by Board for Continuance in Business by Representative of Defunct Licensee.* If a corporation or copartnership holding a license under this Act shall be dissolved, or if a receiver or assignee for the benefit of creditors, or a committee for the property of an individual holding a license issued under this Act, be appointed during the time for which such license was granted, or if an individual holding a license granted under this Act shall die during the time for which such license was granted and a personal representative shall be appointed for his estate, such corporation or copartnership, receiver or assignee, or the personal representative of the estate of said deceased or individual adjudged to be incompetent, may continue to carry on such business upon the licensed premises for the balance of the term for which the license was effective, with the same rights and subject to the same restrictions and liabilities as if he had been the

original licensee, provided the approval of the Administrator who issued the license shall first be obtained. Before continuing such business such receiver, assignee, personal representative, or committee as the case may be, shall file a statement setting forth in such form as the Alcoholic Beverage Board may prescribe the facts and circumstances by which he has succeeded to the rights of the original licensee. The Administrator may, in the exercise of his sound discretion, permit or refuse to permit the continuance of such business. In the event the Administrator permits the continuance of such business the license shall be submitted to him, and he shall write or stamp across the face of said license the words: "..... is permitted to exercise the rights and privileges of the original licensee hereunder as assignee (or receiver, personal representative or committee, as the case may be) of the original licensee for the unexpired term of this license." Such endorsement on the face of the license shall be dated and signed by the person making it. The applicant shall pay a fee of \$5.00 upon procuring such endorsement.

§ 51. *Transfer to Different Premises.* In case of destruction by an act of God or casualty for which the licensee was not responsible, of premises for which a license under this Act shall have been issued, the Administrator who issued the license may, if in his discretion such action is necessary to attain justice, change the license to authorize continuance of business at other premises. No such transfer shall be made unless the licensee shall have filed a written verified statement of the reasons for the necessity of transfer. If such transfer is made the Administrator shall endorse a description of the new premises upon the license and shall date and sign the endorsement.

TITLE IV.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS.

ARTICLE I.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS RELATING
TO ALL PERSONS.

§ 52. *No Traffic in Alcoholic Beverages Save Under License.* It shall be a criminal offense for any person to manufacture, store, sell, purchase, transport or otherwise in any manner traffic in alcoholic beverages as that term is defined in this Act, without first having paid to the Department of Revenue at its office in Frankfort, the license tax required by this Act, and without first having obtained the license required by this Act.

In addition to the criminal penalty prescribed for violation of this section, it is explicitly provided that, as often as any person shall manufacture, store, sell, purchase, transport, or otherwise traffic in alcoholic beverages without first having paid to the Department of Revenue at its office in Frankfort the license tax required by this Act, said person shall be required to pay said license for the full year notwithstanding that no license shall be issued, together with a penalty equal to twenty (20) per cent of said license tax.

§ 53. *Declaring Certain Property Contraband: Providing for Its Disposition.* The following property is hereby declared to be contraband: (1) Any illicit still designed for the unlawful manufacture of intoxicating liquors, or any apparatus designed for the unlawful manufacture of spirituous, vinous, malt or intoxicating liquors. An illicit still or apparatus designed for the unlawful manufacture of intoxicating liquors shall include (a) An outfit or parts of an outfit commonly used, or intended to be used, in the distillation or manufacture of spirituous, vinous or malt liquors which is not duly registered in the office of a collector of Internal Revenue for the United States, and the burden of proving that same

is so registered shall be on the defendant or defendants under charge; (b) any and all material, equipment, implements, devices, firearms, and other property used or intended for use, directly and immediately, in connection with the illicit traffic in alcoholic beverages. (2) Any spirituous, vinous or malt liquors in the possession of anyone not entitled to possession of the same under the provisions of this Act. (3) Any spirituous, vinous or malt liquors in the possession of any one and to which the revenue stamps have not been affixed as and when required by the provisions of the Alcoholic Beverage Tax Act, sections 4281c-1 to and including 4281c-25, Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) edition. (4) Any distilled spirits, wine or malt beverage in a container of a size prohibited by law or prohibited to particular party in whose possession same is found. (5) Any distilled spirits or wine kept in an unauthorized place within any licensed premises under the provisions of section 77 of this Act. (6) Any motor vehicle, water or air craft, or other vehicle in which any person is illegally possessing or transporting alcoholic beverages.

Any peace officers, including the Administrators, and the field representatives of the Department of Revenue are hereby authorized to seize, without warrant, any of the property declared to be contraband under this section and to hold the same subject to the order of the court before which the owner or one in possession of such property has been arraigned. Upon conviction of the defendant the court shall enter an order vesting title in all the contraband property in the Alcoholic Control Board, subject to the right of any owner or lienor of property in subsection six above, whose lien is of record, to intervene and establish his rights in such property by proving that the property was being used in connection with traffic in alcoholic beverages without the knowledge, consent or approval of such owner or lienor. If the owner of the property does so prove, the court shall order the property restored to such owner. If the lienor so proves the court shall

order a sale of the property at public auction. The expenses of keeping and selling the same, and of all valid recorded liens which are established by intervention as being bona fide shall be paid out of the proceeds of the sale. The balance shall be paid into the State Treasury and be credited to the General Expenditure Fund. The Court shall order all sales under this Act in which lienors have an interest to be made by the sheriff who shall receive and be allowed the same fees as allowed for sales under execution. If the defendant be acquitted no property seized as contraband in connection with the arrest of the defendant shall be ordered returned or restored unless the person from whose possession same was taken proves that he was in lawful possession of said property. If the owners of any contraband seized under this Act cannot be located within ninety days, and during that time shall fail to appear and claim such contraband, or if such owner appears and agrees, title to such contraband shall immediately vest in the State Alcoholic Control Board.

§ 53½. *Penalty for Drinking or Being Drunk in a Public Place.* Any person who shall in any public place or in or upon any passenger coach, street car, or in any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink any intoxicating liquor of any kind, or if any person shall be drunk or intoxicated or under the influence of intoxicants on any public or private road or in any passenger coach, street car, or other public place or building or at any public gathering, he shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than ten dollars nor more than one hundred dollars or by imprisonment for not less than five days nor more than thirty days, or by both such fine and imprisonment.

§ 54¾. *Penalty for Unlicensed Roadhouses Permtiting Drinking.* Any person conducting a place of business patronized by the public, other than the holder of a license for the sale of distilled spirits and wine by the drink, who permits any

person or persons to sell, barter, loan, give away, or drink distilled spirits or wine therein or thereon shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) in the discretion of the jury or court trying the accused.

ARTICLE II.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS RELATING TO LICENSES GENERALLY

§ 54. *Persons Who May Not Become Licensees.* No person shall become a licensee under this Act, or manufacture, sell, transport or otherwise traffic in any alcoholic beverages, as that term is defined in this Act, who:

(1) Has been convicted of a felony or of any misdemeanor or offense directly or indirectly attributable to the use of intoxicating liquors, within two years next preceding the application.

(2) Is under the age of twenty-one years.

(3) Is not a citizen of the United States and has not had an actual, bona fide residence in this Commonwealth for at least one year next before the date on which his application for a license is made, provided this sub-section shall not apply to applicants for manufacturer's licenses, or to applicants which are corporations authorized to do business in Kentucky, or to persons licensed on the date of the passage of this Act.

(4) Is a co-partnership or corporation, unless each member of the partnership or each of the principal officers, managers and employees and each of the directors of the corporation has not been convicted of a felony or of any misdemeanor or offense directly attributable to the use of intoxicating liquors, is twenty-one years of age or more, and is a citizen of the United States.

(5) Has had any license issued under this Act or any license issued under any act or ordinance relating to the regu-

lation of the manufacture, sale and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any of the provisions of this Act or of any such other act or ordinance, until the expiration of two years from the date of such revocation or conviction.

(6) Is a co-partnership or corporation, if any member of such partnership or any of the principal officers or any of the directors of such corporation has had any license issued under this Act or any license issued under any act or ordinance relating to the regulation of the manufacture, sale and transportation of alcoholic beverages revoked for cause or has been convicted of a violation of any of the provisions of this Act or of any such other act or ordinances, until the expiration of two years from the date of such revocation or conviction.

(7) A Transporter's License as provided for in section 18 (7) of this Act shall be issued only to persons who are authorized by proper certificate from the Division of Motor Transportation in the Department of Business Regulation to engage in the business of a common carrier.

(8) No Retail Package License or Retail Drink License shall be issued for any premises used as or in connection with the operation of a grocery store or filling station. "Grocery Store" shall be construed to mean any business enterprise in which a substantial part of the commercial transaction consists of selling at retail products commonly classified as staple groceries. "Filling Station" shall be construed to mean any business enterprise in which a substantial part of the commercial transactions consists of selling gasoline and lubricating oil at retail.

§ 55. *Persons Who May Not be Employed by Licensees.* No person holding any license under this Act shall knowingly employ in connection with his business, in any capacity whatsoever, any person who:

(1) Has been convicted of a felony or of any misdemeanor or offense directly or indirectly attributable to the use

of intoxicating liquors, within two years next preceeding the passage of this Act.

(2) Is under the age of twenty-one years, except in a bottling house or room of a licensed distiller, vintner or brewer or rectifier and except in an office of a wholesaler or manufacturer maintained in a building separate from the warehouses or factory.

(3) Is not a citizen of the United States or has not had an actual bona fide residence in this Commonwealth for at least one year next before the date of his employment, provided the above residence requirement shall not apply to persons employed by distillers, brewers, operators of dining cars or transporters engaged in interstate commerce.

(4) Within two years prior to the date of his employment, has had any license issued under this Act or under any other act or ordinance relating to the regulation of the manufacture, sale or transportation of alcoholic beverages revoked for cause, or has been convicted of a violation of any of the provisions of this Act or of any other such act or ordinance. Violation of this section shall subject both employer and employee to penalties provided in this Act, and shall be cause for revocation of license.

§ 55½. *Sales for Cash Only.* No brewer, wholesaler or distributor shall sell any alcoholic beverages to any person in Kentucky for any consideration except cash paid at or before the time of delivery; provided sales by wholesalers or distributors to licensees which are private clubs or voluntary associations shall be exempt from the provisions of this section.

No brewer or distributor shall furnish or deliver any bottled beer without collecting a minimum container charge or deposit of sixty cents (60c) per case of twenty-four twelve ounce bottles or the equivalent thereof, in the same manner that the price of the beer is collected.

No right of action shall exist to collect any claim for

credit extended contrary to the provisions of this clause. Nothing herein contained, however, shall prohibit a licensee from crediting to a purchaser the actual prices charged for packages or containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the vendor, if such containers or packages have been returned to the brewer or distributor.

§ 56. *Prohibited Purchases and Sales by Licensees.* No holder of a license issued under this Act shall purchase or agree to purchase any alcoholic beverages from any person within or without this Commonwealth who is not duly licensed to sell such beverages to the particular purchaser at the time of such agreement to sell, nor give any order for any alcoholic beverages to any individual who is not a holder of a special agent's or solicitor's license if such license is required; and no holder of a license issued under this Act shall sell or agree to sell any alcoholic beverage to any person within or without this Commonwealth who is not duly licensed or otherwise legally authorized to buy and receive such beverages at the time of such agreement to sell, nor secure any orders for the sale of any alcoholic beverages through any individual who is not the holder of a special agent's or solicitor's license if such license is required.

§ 57. *Peddling Prohibited.* No holder of any license issued under section 18 of this Act nor any of his agents, servants or employees shall peddle any alcoholic beverages from house to house, by means of a truck or otherwise, where the sale is consummated and delivery made concurrently at the residence or place of business of the consumer. This section shall not be construed so as to prohibit the delivery of alcoholic beverages in conformity with section 27 of this Act, pursuant to sales made at the place of business of such

licensee. Deliveries shall not be made by holders of special agent's or solicitor's licenses.

§ 58. *Sales and Solicitations at Customer's Home or Place of Business Prohibited.* No holder of a license issued under this Act shall employ any canvasser or solicitor for the purpose of receiving an order from a consumer for any alcoholic beverages at the residence or place of business of such consumer, nor shall any such licensee receive or accept any such order which shall have been solicited or received at the residence or place of business of such consumer. This section shall not be construed so as to prohibit the solicitation by a distiller, rectifier, brewer, or vintner of an order from any licensed wholesaler or distributor at the licensed premises of such wholesaler or distributor nor to prohibit the solicitation by a licensed wholesaler or distributor of an order from any licensed retailer at the licensed premises.

§ 59. *Transfer or Assignment of License Prohibited; Every Dining Car Considered Premises Separately to be Licensed.* A license issued under this Act to any person for any licensed premises shall not be transferrable or assignable to any other person or to any other premises or to any other part of the building containing the licensed premises, except in the sound discretion of the Administrator who issued the license. It shall be available only to the person therein specified and only for the premises therein specified and to no other, unless a transfer or assignment be authorized in the exercise of his sound discretion by said Administrator under the provisions of section 50 or 51 of this Act. For the purpose of this section each railroad dining car shall be deemed premises separately to be licensed.

§ 60. *Pledging of Licenses Prohibited.* No license issued under this Act shall be pledged, hypothecated or deposited as collateral security on any loan or upon any condition; and any such pledge, hypothecation or deposit and any contract providing therefor shall be void.

§ 61. *Sales to Any Person Not Providing for His Family Prohibited.* No licensee under this Act shall sell or agree to sell any alcoholic beverages or cause or permit any alcoholic beverages to be sold to any person who has been reported to such licensee by any Court or by any officer acting at its direction as having failed to make proper provision for his family.

§ 62. *Payment for Another's License Prohibited.* The license tax for every license issued under this Act shall be payable by the person making application for such license and to whom it is issued, and no other person shall pay for any license issued under this Act. In addition to all other penalties provided in this Act, a violation of this section shall authorize and require the revocation of the license the tax for which was paid by another and also the revocation of the license, if any, of the person so paying for the license of another.

§ 63. *Advertising and Window Displays Prohibited Except in Conformity with the Rules of the Board.* Except as it may be done in conformity with the provisions of such reasonable rules and regulations relative to advertising as may be adopted by the State Alcoholic Beverage Control Board, no holder of a license issued under this Act shall advertise or cause or permit to be advertised in any manner any product which he is licensed to manufacture to sell, whether any such advertisement advertises any particular brand or not, and whether or not it quotes prices; nor shall any holder of a license issued under this Act have or exhibit in a window any sort of display of alcoholic beverages except in conformity with such reasonable rules and regulations relative to window displays as may be adopted by said Board. Nothing in this section shall prohibit advertising in newspapers, magazines or periodicals having a general circulation to regular paid subscribers or patrons.

§ 64. *Holding Federal Without State License Raises*

Prima Facie Presumption of Doing Business Illegally. The holding of any Federal permit to traffic alcoholic beverages without the corresponding requisite state and local licenses shall in all cases raise a prima facie presumption that the holder of such Federal permit is trafficking in alcoholic beverages in violation of the terms of this Act.

§ 65. *Presence of Alcoholic Beverages on Certain Premises Makes Out Prima Facie Case of Intent to Sell.* Whenever any alcoholic beverages, in whatever quantity, shall be found on any business premises within this Commonwealth, a prima facie presumption shall thereupon arise that said alcoholic beverage was upon such premises for the purpose of sale.

§ 66. *Prescribed Books and Records to be Kept.* Each licensee under this Act shall keep and maintain upon the licensed premises adequate books and records of all transactions involved in the manufacture or sale of alcoholic beverages in the manner required by the reasonable rules and regulations of the State Alcoholic Beverage Control Board. Such books and records shall be available at all reasonable times for inspection by any authorized representative of the Department of Revenue.

ARTICLE III.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS RELATING TO ALL MANUFACTURERS AND WHOLESALERS.

§ 67. *Prohibitions, Restrictions and Regulations Particularly Applicable to All Distillers, Rectifiers, Vintners and Wholesalers.* No person holding a distiller's or rectifier's or vintner's or wholesaler's license issued under this Act, and no employee, servant or agent of such licensee, shall:

(1) Be interested directly or indirectly in any premises where any distilled spirits or wine are sold at retail; or in any business devoted wholly or partially to the sale of distilled

spirits or wine at retail, by stock ownership, interlocking directorates, mortgage or lien on any personal or real property, or by any other means.

(2) Make or cause to be made any loan to any person engaged in the manufacture or sale of any distilled spirits or wine at wholesale or retail.

(3) Make any gift or render any kind of service whatsoever, directly or indirectly, to any person licensed under section 18 of this Act which in the sound judgment of the Alcoholic Beverage Board may tend to influence such licensee to purchase the product of such distiller, rectifier, vintner or wholesaler.

(4) Enter into a contract with any holder of a retail license issued under this Act whereby such licensee agrees to confine his sales to distilled spirits or wine manufactured or sold by one or more such distillers, rectifiers, vintners or wholesalers. Any such contract shall be void.

§ 68. *Labeling—Use of Word “Kentucky.”* No whiskey produced in Kentucky, except whiskey, the barrel containing which is branded “Corn Whiskey,” under the Internal Revenue laws, shall be bottled in Kentucky or removed from this State unless such whiskey shall have been aged in charred, new oak barrels for a period of not less than one full year; provided, however, that the Department of Revenue may, in its discretion, grant permits for the removal from this State, of whiskey aged less than one full year in charred new oak barrels whenever the Department finds that an emergency exists by reason of inadequate warehousing facilities in this State or for other good causes.

Before granting any such permit, however, the Department of Revenue shall first be furnished with affidavits by the consignor and consignee that such whiskey, after removal from this State, will not be bottled under a label on which the word “Kentucky” or any word or phrase implying Kentucky origin appears; and provided further that unless the Depart-

ment is satisfied from such affidavits that said whiskey, when removed from this State, will not be bottled under a label on which the word "Kentucky" or any word or phrase implying Kentucky origin appears, it may require the consignor, as a condition precedent to such removal, to execute a bond with corporate surety to the Commonwealth of Kentucky, in a penal sum equal to the fair market value of such whiskey, the condition of such bond being, that said whiskey, after its removal from Kentucky, will not be bottled under any label containing the word "Kentucky" or any word or phrase implying Kentucky origin before it has been stored in charred, new oak barrels for at least one full year.

For violations of this section, the Department shall revoke the permit of the licensee from whose warehouse or premises such whiskey shall have been removed or in which such whiskey shall have been bottled.

The prohibition contained in this section shall apply only to whiskey produced on and after July first, 1940.

§ 68½. *F. A. A. Labeling Regulations Adopted.* The regulations of the Federal Alcohol Administration, as they now or may hereafter exist, with respect to the labelling of distilled spirits and wine are hereby adopted and any such alcoholic beverages shall be deemed to be properly labeled under all the laws of the State of Kentucky if such labels conform to the regulations and requirements under the Federal Alcohol Administration Act. Provided that distilled spirits not produced or bottled in the United States must be labelled in the same manner that distilled spirits produced or bottled in Kentucky are required to be labelled. This section shall not be construed, however, to prevent the Department of Revenue from promulgating rules and regulations on this subject which are different from but not contrary to the regulations of the Federal Alcohol Administration Act.

§ 69. *No Signs To Be Furnished by Distillers, Rectifiers, Vintners or Wholesalers; Exception.* No distiller, rec-

tifier, vintner or wholesaler shall furnish or cause to be furnished to any licensee any exterior or interior sign, printed, painted, electric or otherwise, except as authorized by the rules and regulations of the State Alcoholic Beverage Control Board.

ARTICLE IV.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS RELATING ONLY TO WHOLESALERS.

§ 70. *No Distilled Spirits or Wine to be Purchased, Imported, Kept or Sold Save in Sealed Containers Properly Stamped and Labelled and in Unbroken Cases.* No wholesaler licensed under this Act shall purchase, import or keep upon the licensed premises or sell any distilled spirits or wine in any cask, barrel, keg, hogshead or other container except in the original sealed package containing quantities of not less than eight ounces each of distilled spirits or six ounces of wine and not to exceed one quart each of distilled spirits or fifty-five gallons each of wine, as received from the distiller, rectifier, or vintner, or wholesaler, as the case may be. Such containers shall at all times have affixed thereto such labels as may be required by the rules and regulations of the State Alcoholic Beverage Board, together with all necessary Federal revenue and State excise tax stamps as required by law. No wholesaler shall sell any distilled spirits or wine except in cases of containers of uniform size and of the sizes above specified. "Case" as used in this section shall mean a carton of containers aggregating not less than two and four-tenths wine gallons nor more than three wine gallons of distilled spirits.

§ 71. *Wholesaler to Have License Number on Window or Building.* Each wholesaler shall have painted on the front window of the licensed premises, or, if there be no window, on a sign affixed to the front of the building containing said licensed premises, the name of the licensee together with the

inscription: "Kentucky Wholesaler's Liquor License No." in uniform letters not less than three and a half inches in height.

ARTICLE V.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS RELATING TO ALL SALES AT RETAIL

§ 72. *No Retail License For Premises Save Those of Which Applicant Is Owner or Lessee.* No license for the sale of alcoholic beverages at retail shall be granted for any premises unless the applicant for the license shall be the owner thereof, or shall be in possession said premises under a written lease for a term of not less than the license period.

§ 73. *No Retail Sales Save From Premises Located on Street Level, Etc.; Exemption.* No premises shall be licensed for the sale of alcoholic beverages at retail except where the licensed premises and the entrance thereto are on the street level, and located in a business center or on a main thoroughfare; provided, however, that this provision shall not apply to a hotel, club or restaurant, where such hotel, club or restaurant shall have been bona fide in business as a licensee in premises located above or below the ground floor for at least one year next preceding the date when its application for a license under this Act is made, in which latter class of cases the premises may or may not be licensed as the Administrator to whom the application is made may, in the exercise of his sound discretion, decide.

§ 74. *All Retail Premises Must Provide a Clear View From the Entrance.* The entrance doors of any premises for which a retail license has been issued under this Act shall be of clear glass and the premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or, if the premises be not on the street level, from the entrance. There shall be no partition, box, stall, screen, curtain or other device to obstruct the view or the gen-

eral observation of persons; provided, however, that partitions, subdivisions or panels that are not higher than forty-eight inches from the floor shall not be construed as obstructing the view or the general observation of persons; and provided further that any license to any bona fide hotel or club shall entitle the holder of such license to serve such alcoholic beverages as such holder is licensed to sell in a separate room or rooms at banquets or dinners or where meals are served.

§ 75. *No Retailing Near School, Hospital, Church or Other Place of Worship; Exception.* No license for the sale of alcoholic beverages at retail shall be granted for any premises which shall be located on the same street or avenue as, and within two hundred feet of a building occupied exclusively as a school, hospital, church or other place of worship without the written permission of the governing authority of such church, school or hospital, except that a hotel, drug store or private club which has been bona fide in business as a licensee at that location for not less than one year next preceding the passage of this Act or the establishment of said church, school or hospital, may be granted a license by the Administrator, in the exercise of his sound discretion, even though within less than two hundred feet of a building occupied exclusively as a school, hospital, church, or other place of worship. The measurement called for in this section shall be taken on the street or avenue on which the licensed premises are located in a straight line from the nearest property line of the real estate on which is located the building used for such school, hospital, church or other place of worship to the nearest property line, of the real estate on which is located the building for which a license is sought.

§ 76. *Advertising Brands by Retailers Prohibited.* No sign of any kind, printed or electric, advertising any brand of alcoholic beverages shall be permitted on the exterior or so as to be visible from the exterior of any premises licensed

for the sale of alcoholic beverages at retail, except in cities of the first or second class.

§ 77. *Closing Hours and Times.* No premises for which there has been granted a license for the sale of distilled spirits or wine at retail shall be permitted to remain open for any purpose on Sunday or on any other day between midnight and eight o'clock a. m., or at any time during the twenty-four hours of an election day, provided, that if a licensee provides a separate department within his licensed premises capable of being locked and closed off, within which is kept all stocks of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this section.

§ 78. *Disorderly Conduct Forbidden on Retail Premises.* No person licensed to sell alcoholic beverages at retail shall cause, suffer or permit the licensed premises to be disorderly.

§ 79. *Sales at Retail to Specified Persons Prohibited.* No person licensed to sell alcoholic beverages at retail shall sell, give away or deliver any alcoholic beverages, or procure or permit any alcoholic beverages to be sold, given away or delivered to:

(1) A minor.

(2) An intoxicated person or a person actually or apparently under the influence of liquor.

(3) An habitual drunkard. Any person convicted of drunkenness as many as three times within the most recent twelve months period shall be deemed to be an habitual drunkard.

(4) Any one known to the seller to have been convicted of a felony or convicted of any misdemeanor or offense attributable directly or indirectly to the use of intoxicating liquors.

§ 80. *Credit Transactions by Retailers Prohibited; Exceptions.* No holder of a license for the sale of distilled spirits

and wine at retail shall sell, deliver or give away, or cause, permit or procure to be sold, delivered or given away any distilled spirits or wine on credit; provided, however, that if the holder of such license is a bona fide private club it may sell on reasonable credit to its members and provided further that if the holder of such a license be a bona fide hotel it may sell on reasonable credit to its registered guests.

§ 81. *“Treating” Prohibited.* There shall be no “treating” of anyone at any time by any holder of any retail license issued under this Act “Treating”, as that term is used in this section, shall mean the giving away of any alcoholic beverage in any quantity, or delivering same in any quantity for other than a full monetary consideration.

ARTICLE VI.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS RELATING ONLY TO RETAIL PACKAGE SALES.

§ 82. *Distilled Spirits and Wine to be Purchased, Kept or Sold in Sealed Containers of Specified Sizes, Properly Stamped and Labeled; Such Containers Not to be Opened on Premises.* No holder of a license issued under this Act for the sale at retail of distilled spirits and wine for consumption off the premises shall purchase, keep upon the licensed premises, or sell any such beverages in any cask, barrel, keg, hogshead or other container except in the original sealed package containing quantities of not less than eight ounces of distilled spirits or six ounces of wine and not to exceed one quart each of liquor or fifty-five gallons each of wine. Each such container shall have affixed thereto such labels as may be required by the rules and regulations of the State Alcoholic Beverage Control Board, together with all necessary Federal revenue and State excise tax stamps as required by law. No such container shall be opened nor its contents consumed on the licensed premises.

§ 83. *License Number to be on Window or Building.*

Each person holding a license to sell distilled spirits or wine at retail for consumption off the premises shall have printed on the front window of the licensed premises the name of the licensee together with the inscription: "Kentucky State Retail Package Liquor License No." in uniform letters not less than three and a half inches in height.

§ 85. *No Phone or Mail Orders or Delivery; Exception.* No holder of a license issued under this Act for the sale of distilled spirits or wine at retail for consumption off the premises shall accept orders for such beverages by telephone or by mail, nor shall he deliver or advertise the delivery of such beverages.

ARTICLE VII.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS RELATING ONLY TO RETAIL DRINK LICENSES.

§ 86. *Distilled Spirits or Wine to be Kept Only in Original Containers Properly Stamped and Labeled.* No holder of a license for the sale of distilled spirits and wine at retail for consumption on the premises shall keep upon the licensed premises any such beverages in any cask, barrel, keg, hogshead or other container except in the original package containing quantities not to exceed one quart each of liquor or fifty-five gallons each of wine, and containing not less than twenty ounces each, as received from the wholesaler; except mixed drinks which contain a substantial proportion of carbonated water and which are sold by entire bottles containing not less than twelve ounces. Each such container shall have affixed thereto such labels as may be required by the rules and regulations of the State Alcoholic Beverage Control Board, together with all necessary Federal revenue and State excise tax stamps as required by law.

§ 87. *Females to be Served at Tables Only. Only One Bar Under One License; Exception.* No distilled spirits or wine shall be sold, given away or served, on premises licensed under this Act for the sale of alcoholic beverages at retail

for consumption on the premises, to females, except at tables where food may be served. Nothing contained in this section shall be construed as meaning that food must be purchased or consumed with alcoholic beverages.

Only one bar, counter or contrivance shall be permitted in any licensed place under a single license, except that, in addition to the one bar herein provided for, any such licensed place may have any necessary service bars, which, however, shall not be in any room in which the members or guests or patrons of such place are invited or permitted to come. No distilled spirits or wine shall be served to any one at such service bars.

§ 88. *Female Employees Prohibited.* No holder of a license for the sale of alcoholic beverages at retail for consumption on the premises shall employ any female as a bar maid or for any duties with respect to the sale of alcoholic beverages except to wait upon tables, or serve as cashier or usher.

ARTICLE VIII.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS RELATING ONLY TO TRANSPORTERS

§ 89. *Transportation by Non-Licensee Prohibited; Exception.* No person except a railroad company or railway express company shall transport or cause to be transported any distilled spirits or wine, otherwise than as provided in this Act, except such beverages may be transported by the holder of any license authorized by section 18 of this Act, from and to express or freight depots to and from the premises covered by the license of the person so transporting distilled spirits or wine.

ARTICLE IX.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS RELATING ONLY TO SPECIAL LICENSES.

§ 90. *Prohibitions, Restrictions and Regulations Relating Only to Special Licensees to be such as are Determined*

Upon by the Board. The prohibitions, restrictions and regulations relating to special licensees shall be those which the State Alcoholic Beverage Control Board may, by its rules and regulations, and in the exercise of its sound discretion, prescribe.

§ 91. *No Solicitation Without License.* No individual shall solicit orders for or offer for sale any distilled spirits or wine, irrespective of whether such sale is to be made within or without this Commonwealth, unless such person shall have a special agent's or solicitor's license.

§ 92. *Sale of Industrial or Non-Industrial Alcohol.* Any person who shall knowingly sell any alcoholic product intended for non-beverage purposes under sections 30 (2) or 30 (3) of this Act, under circumstances from which he might reasonably have deduced the intention of the purchaser to use them for beverage purposes, shall be subject to the penalties provided for in this Act.

§ 93. *Storage by Non-Licensee Prohibited.* No distilled spirits or wine in excess of three gallons shall be stored or kept except upon the licensed premises of a person who is the holder of a license provided for in section 18 or 29 of this Act.

TITLE V.

PENALTIES.

ARTICLE I.

PENALTIES.

§ 94. *Penalties for Trafficking in Alcoholic Beverages Without a License.* Any person who, by himself or acting through another, directly or indirectly, shall violate the provisions of section 52 of this Act, shall be deemed guilty of a crime and, upon conviction, shall be punished by a fine of not less than \$100.00 and not to exceed \$5,000.00 or by imprisonment not to exceed five years, or by both such fine and imprisonment. For a second and each subsequent offense the offender, upon conviction, may be fined in a sum not less than

\$500.00 and not to exceed \$10,000.00 or imprisoned for a term not to exceed ten years, or both so fined and imprisoned; provided, that in case the offender be a corporation, joint stock company, association or fiduciary, then the principal officer and/or the officer or officers responsible for such violation may be punished by such imprisonment.

§ 95. *Penalties for Violations of Other Sections of this Act.* Any person who, by himself or acting through another, directly or indirectly, shall violate the provisions of any section of this Act other than section 52 or sections 104 to 117 inclusive, for which a specific penalty is not provided, shall, for the first offense be deemed guilty of a misdemeanor and, upon conviction thereof, be punished by a fine not to exceed \$500.00 or by imprisonment in the County jail or workhouse for a term not to exceed six months, or by both such fine and imprisonment. For a second and each subsequent violation of the provision of any section of this Act other than section 52, whether the section violated be that for which the first conviction was had or not, the offender, upon conviction, shall be punished by a fine not to exceed \$1,000 or by imprisonment for a term not to exceed one year, or by both such fine and imprisonment. The penalties provided for in this section shall be in addition to the revocation of the offender's license; provided, that in case the offender be a corporation joint stock company, association or fiduciary, then the principal officer or officers responsible for such violation may be punished by such imprisonment. Nothing in this section shall be construed as conflicting with the penal provisions of section 10 of this Act.

TITLE VI.

MALT BEVERAGE TRAFFIC

ARTICLE I.

LICENSES AND TAXES.

§ 96. *Expiration Date of Malt Beverage Licenses; License Taxes.* All licenses provided for in this section shall

expire on June 30th of each year. The following kinds of licenses may be issued by the Malt Beverage Administrator:

(1) Brewer's License, the fee for which shall be \$1,000 per annum.

(2) Distributor's License, the fee for which shall be \$100 per annum.

(3) Beer Retailer's License, the fee for which shall be \$25 per annum.

(4) Dining Car License, the fee which shall be \$25 per annum.

(5) Beer Transporter's License, the fee for which shall be \$5 per annum.

(6) Special Temporary License, the fee for which shall be one-sixth of the taxes for a full year's license for each month or part of a month for which the Special Temporary License is issued.

§ 97. *Business Authorized by Brewer's License.* A brewer's license shall authorize the holder thereof, at the premises specifically designated in the license, to engage in the business of a brewer as that term is defined in this Act, and to transport for himself only any malt beverage which he is authorized under his license to manufacture or sell, provided he so transports such beverages in accordance with the requirements provided for distillers in section 21 of this Act. The holder of a brewer's license shall be authorized to sell at wholesale or retail, from the licensed premises only, and without any additional license, any malt beverage produced under his license.

§ 98. *Business Authorized by a Distributor's License.* A distributor's license shall authorize the holder to purchase, import or store malt beverages and to sell same, from the licensed premises only to other licensed distributors, to licensed retailers or consumers for personal use and not for resale. A distributor may transport malt beverages subject to the same requirements provided for distillers in section 21 of this Act. If any brewer or distributor maintains more than one place of

business or warehouse, agent, distributor, broker or jobber from which orders are received or beverages are distributed, nothing herein contained shall prevent the collection of an additional \$100 distributor's license tax for each separate place of business, warehouse, agent, distributor, broker or jobber.

§ 99. *Business Authorized under Beer Retailer's License.* A beer retailer's license shall authorize the holder to sell malt beverages at retail from the licensed premises only and to purchase malt beverages only from a brewer or distributor licensed under this Act.

§ 100. *Business Authorized under Dining Car License.* A dining car license may be issued to any Railroad or Pullman Car Company which shall authorize the holder to exercise only on a particular dining car designated in the license, the privileges of a beer retailer, subject to the same restrictions as provided in the case of a beer retailer.

§ 101. *Business Authorized by Beer Transporter's License.* A beer transporter's license shall authorize the holder to transport malt beverages for hire to or from the licensed premises of any licensee under this Act, provided both the consignor and consignee in each case are authorized by the law of the states of their residence, respectively, to sell, purchase, ship or receive the malt beverages, as the case may be.

§ 102. *Business Authorized by Special Temporary License.* The Malt Beverage Administrator is authorized and empowered to issue a special temporary license for the sale of malt beverages at retail for consumption on the premises of any regularly organized fair or racing association for a particular fair, race or race meeting conducted by such association, or for special temporary occasions such as picnics, bazars, carnivals and the like. The issuance or refusal of such special license and the exercise of the privilege granted thereby shall be subject to such rules and regulations as said Department may in each particular case deem necessary.

§ 103. *Applications for Malt Beverage License; Issuance of Same.* Applications for any license provided for in section 96 of this Act shall be made to the Administrator of the Malt Beverage Unit shall be in writing on forms furnished by the Department, and verified; and shall set forth in detail such information concerning the applicant and the premises for which the license is sought as this Act or the State Board by regulation shall require. Said application shall be accompanied by a certified check, or cash, or a postal or express money order for the amount of money required by this Act for a license of the kind applied for. If the Administrator shall grant the application he shall issue the proper license in such form as shall be determined by the State Board by Regulation, subject to the provisions of section 38 of this Act.

§ 104. *Posting of Licenses.* Before commencing or doing any business for the time for which a license has been granted said license shall be posted and at all times displayed in a conspicuous place in the room or principal room where such business is carried on, so that all persons visiting such place may readily see the license. It shall be unlawful for any person holding a license to post such license or permit it to be posted, upon premises other than the premises licensed, or upon premises where traffic in malt beverages is being carried on by any person other than the licensee, or knowingly to deface, destroy or alter any such license in any respect. Whenever a license shall be lost or destroyed without fault on the part of the licensee or his agents or employees a duplicate license in lieu thereof shall be issued upon proof of loss satisfactory to the Administrator, and upon the payment of a fee of \$1.00 therefor.

ARTICLE II.

PROHIBITIONS, RESTRICTIONS AND REGULATIONS.

§ 105. *Premiums Unlawful.* It shall be unlawful for any person holding a license to sell malt beverages to offer

or give anything tangible of value as a premium for the return of caps, stoppers, corks, stamps, wrappers, coupons, or labels taken from any bottle, case, barrel, or package containing such malt beverages or to offer or give anything of value as a premium, gift, or prize to induce the purchase of such malt or brewed beverages or for any other purpose in connection with the sale of such malt beverages; provided, however, that this section shall not apply to the return of moneys specifically deposited for the return of the original containers to the owners thereof.

§ 106. *Hours of Doing Business.* It shall be unlawful for any brewer or distributor to deliver any malt beverages between the hours of 7:00 P. M. and 6:00 A. M. except on Saturdays when the hours of such deliveries shall be between 6:00 A. M. and midnight. It shall be unlawful for beer retailer to sell, give away or deliver any malt beverages between the hours of midnight and 6:00 A. M.

§ 107. *Advertising in Certain Places Prohibited.* It shall be unlawful for any licensee to advertise any malt beverage by trade name, trade mark or in any manner within one hundred (100) feet of any property line of any school or church, and such distance shall be by straight line, but this provision shall not apply to advertisements placed on the establishment of manufacturers or brewers or distributors in operation prior to this Act, nor to signs in position at the time of the effective date of this Act nor to signs located in cities of the first or second class.

§ 108. *Signs on Premises.* It shall be unlawful for any retailer to advertise or permit to be advertised or have any display on the outside of any licensed premises at any distance whatever beyond any wall of said premises any malt beverage by trade name, trade mark or otherwise, and excepting in cities of the first and second class where signs shall be permitted unless they are located beyond the wall of a licensed premises, and no such advertising or display shall be permitted by him within such licensed premises so as to be

visible from without such premises, provided, however, that nothing herein contained in this section shall prevent a licensee from painting any sign on any wall in his premises, provided that said sign does not contain a trade mark or trade name of a malt beverage.

§ 109. *Unlawful for Label to Refer to Alcoholic Strength; Exceptions.* It shall be unlawful to issue, publish or post, or cause to be issued, published or posted by any licensee any advertisement of malt beverage intended for sale in Kentucky including a label which shall refer in any manner to the alcoholic strength of the malt beverage manufactured, sold or distributed by such licensee or to use in any advertisement or label such words or numerals likely to be considered a statement of alcoholic content unless adequately explained or for any licensee to purchase, transport, sell or distribute any malt beverage advertised or labeled contrary to the provisions of this clause.

§ 110. *Unlawful to Sell to Persons Illegally Selling Malt Beverages.* It shall be unlawful for any licensee to sell any malt beverage to any person engaged in the business of illegally selling malt beverages, or to any vendor of malt beverages unless such vendor holds a license in accordance with this Act.

§ 111. *Exclusive Outlets.* It shall be unlawful for any person engaged in business as a manufacturer or brewer, distributor or shipper of malt beverages directly or indirectly or through an affiliate or subsidiary to require by agreement or otherwise, that any retailer engaged in the sale of malt beverages, purchase any such products from such person to the exclusion in whole or in part of malt beverages sold or offered for sale by other persons.

§ 112. *Tied Houses.* It shall be unlawful for any manufacturer, brewer, or distributor to induce through any of the following means any retailer engaged in the sale of malt beverages, to purchase any malt beverages from such person to the exclusion in whole or in part of malt beverages sold or

offered for sale by other persons, if such person engages in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transactions in commerce in any such products, if the direct effect of such inducement is to prevent, deter, hinder, or restrain other persons from selling or offering for sale any such products to such retailer (a) by acquiring or holding (after the expiration of any existing license) any interest in any license with respect to the premises of the retailer; or (b) by acquiring any interest in real or personal property owned, occupied, or used by the retailer in the conduct of his business; or (c) by furnishing, giving, renting, lending, or selling to the retailer, any equipment, fixtures, signs, supplies, money, services, or other things of value, except as the Malt Beverage Administrator, having due regard for the public health, the quantity and value of the articles involved, the prevention of monopoly and the practice of deception, may by regulation otherwise prescribe, or (d) by paying or crediting the retailer for any advertising, display, or distribution service subject to such exceptions as the Director may by regulation prescribe; or (e) by guaranteeing any loan or the repayment of any financial obligation of the retailer; or (f) by requiring the retailer to take and dispose of a certain quota of any of such products.

§ 113. *Commercial Bribery Unlawful.* It shall be unlawful for any manufacturer or brewer to induce through any of the following means, any retailer engaged in the sale of malt beverages, to purchase any such products from such person to the exclusion in whole or in part of malt beverages sold or offered for sale by other persons, if such persons engaged in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transactions in any such products, if the direct effect of such inducement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer; (a) by commercial bribery; (b) by offering or giving any bonus, premium, or compensation to any officer, or employee, or rep-

representative of such retailer; or (c) by making or allowing any rebates or refunds to any officer, employee, or representative of such retailer.

§ 114. *Labeling.* The Department may in its discretion adopt any or all of the regulations of the Federal Alcohol Administration relating to labeling and advertising as the Federal Alcohol Administration may issue and promulgate under and by virtue of an Act of Congress approved August 29th, 1935. Provided, however, that the adoption of the regulations above mentioned shall not become effective as to any manufacturer or distributor having labels on hand that would be outlawed by such adoption until a period of 90 days from the date of such adoption.

§ 115. *Adulteration or Repackaging of Malt Beverages.* It shall be unlawful to fortify, adulterate, contaminate or in any wise change the character or purity of the malt beverages from that as originally marketed by the manufacturer, or to sell, deliver or transport such beverages except in the original containers. Provided, however, those persons, firms or corporations now licensed as Distributors and engaged in business in this Commonwealth in the bottling of malt beverages may elect to pay the consumers' tax imposed by Kentucky Statutes, section 4281c-2, Baldwin's 1936 Revision, upon the basis of the quantity of all malt beverages received, in which event nothing contained herein shall be construed to prohibit said present licensee from repackaging malt beverages in containers of not less than one quart, under such licenses or any renewal thereof. The repackaging of malt beverages by a wholesaler shall be deemed conclusive evidence that such licensee elects to pay the consumers' tax upon the entire amount of such beverage received by him in Kentucky.

The bottling of such malt beverages shall be conducted in accordance with the Rules and Regulations of the Department of Health of the State of Kentucky, which shall promulgate Rules and Regulations and furnish a copy thereof to each licensed distributor and to the State Alcoholic Beverage Board;

and if within thirty (30) days thereafter any such distributor has not conformed to the rules and regulations or thereafter violates the same, such failure or violation shall authorize revocation of the right to bottle.

All persons now engaged in bottling malt beverages under this Act at a place other than the brewery in which said malt beverages are produced, shall within thirty (30) days after the same becomes effective, file with the State Alcoholic Beverage Board a verified inventory of all equipment and location of same, used in connection with the bottling of malt beverages. Failure to file such statement within such time will automatically terminate the right of such licensed distributor to bottle malt beverages.

Upon such person, firm or corporation now engaged in bottling malt beverages in this Commonwealth as a distributor ceasing to do business such license or the right to bottle shall not be transferable.

§ 116. *Certain Financial Interest by Manufacturers or Distributors.* Except as hereinafter provided no manufacturer or distributor shall in any wise be interested either directly or indirectly in the ownership or leasehold of any property or in any mortgage (lien) against the same for which a retail license is granted; or shall a manufacturer or distributor either directly or indirectly lend any moneys, credit or the equivalent thereto to any retailer in equipping, fitting out or maintaining and conducting either in whole or in part an establishment or business (where malt beverages are licensed for sale) operated under a retail license. Provided, however, that this section shall not apply to the interest of a licensee in any mortgage or other lien taken by him to secure the payment in whole or part of any indebtedness due him by any other licensee and incurred prior to the effective date of this Act.

The provisions of this Article shall not prohibit a distributor from owning stock in any brewery.

§ 117. *Manufacturers and Distributors to Make Truthful Invoices to Retailers and to Make No Allowances or Re-*

bates Therefrom. (a) It shall be unlawful for any manufacturer or distributor, their agents or employees, to make any sale or delivery of any malt beverage without a written invoice made concurrently with such sale or delivery, showing prices and conditions upon which such sale or delivery is made; or to make any invoice which falsely indicates prices and terms of any sale, or to insert in any invoice any statements which make the invoice a false record, wholly or in part, of the transaction involved or represented on the face thereof, or to withhold from any invoice any statement which properly should be included therein so that in the absence of such statement the invoice does not truly reflect the transaction involved.

(b) It shall further be unlawful for any manufacturer, brewer or distributor to make, directly or indirectly through any agent or employee, and for the retail to receive any payment of any allowance, rebate, refund, concession or discount, whether in the form of money or otherwise, not conforming with the prices and conditions of sale as shown on the invoice.

§ 118. *Penalties.* Any person who shall violate any of the provisions of sections 104 to 117, inclusive of this Act, shall be deemed guilty of a misdemeanor and upon conviction he shall be punished by a fine of not less than \$50.00 nor more than \$500.00 for each offense, and said person's license shall be subject to revocation.

TITLE VII.

MISCELLANEOUS PROVISIONS.

§ 119. *Transfer of Functions and Resources of Division of Alcoholic Control from the Department of Business Regulation to the Department of Revenue.* The functions of the Division of Alcoholic Control of the Department of Business Regulation are hereby transferred to the Department of Revenue. All books, papers, records, files, office equipment, other property and pending business of the said division are like-

wise transferred to and vested in the Department of Revenue. All employees whose functions are by this Act transferred to and vested in the Department of Revenue are hereby transferred, with their functions, to the said department. The remainder of the appropriation made for the operation of the Division of Alcoholic Control is hereby transferred to and vested in the Department of Revenue to be used for the administration of this Act. In connection with the transfer of the functions of the Division of Alcoholic Control of the Department of Business Regulation to the Department of Revenue, the said Department of Revenue shall be in every way the successor with respect to such functions, and to every act done in the exercise of such functions by or under the authority of the said division. In every instance in which the said division is referred to or designated in any law (not hereby repealed), contract or document, such reference or designation shall be deemed to refer to the Department of Revenue.

§ 120. *Effect of Partial Invalidity.* The titles, articles, sections, sub-sections and all provisions of this Act are severable, and if any of its titles, articles, sections, sub-sections, provisions or the application thereof shall be held unconstitutional, such title, article, section, sub-section, provision or application thereof held to be invalid may be rejected without affecting the remainder of the Act, and the decisions of the courts shall not affect or impair the remaining titles, articles, sections, sub-sections, provisions of this Act or the application thereof. It is hereby declared to be the Legislative intent that this Act would have been adopted had not such unconstitutional title, article, section, sub-section or provision been included therein. It is hereby further declared to be the Legislature's intention in enacting this Act that each title, article, section, sub-section and provision would have been enacted separately, except that if any provision of section 16 of this Act is held to be invalid that entire section shall be construed to be invalid.

§ 121. *Construction or Interpretation.* Irrespective of

Title or Article headings the sections of this Act listed below shall be construed to apply to the traffic in both malt beverages and distilled spirits and wine where the context permits such application; sections 1 to 17 inclusive, 19, 20, 34, 36, 38, 39, 41 to 56 inclusive, 58 to 66 inclusive, 72 to 76 inclusive, 78, 79, 81, 88, 95, 119 to 121 inclusive. The following sections shall be construed to apply to the traffic in distilled spirits and wine only; 18, 21 to 33 inclusive, 35, 37, 40, 57, 67 to 71 inclusive, 77, 80, 82 to 87 inclusive, 89 to 94 inclusive. Sections 96 to 118 inclusive, shall be construed to apply to the traffic in malt beverages only.

§ 122. *Laws Repealed.* Chapter 146, Acts of the General Assembly of 1934, approved March 17, 1934, being sections 2554b-1 to 2554b-96, inclusive, excepting sections 2554b-67, 2554b-73, of Carroll's Kentucky Statutes, 1936 edition; Chapter VI of the Acts of the General Assembly of 1917, being section 4214c-1 of Carroll's Kentucky Statutes, 1936 edition; and Chapter V of the Acts of the General Assembly at the Special Session of 1933, being sections 4214d-1 to 4214d-14 of Carroll's Kentucky Statutes, 1936 edition, are hereby repealed and all other laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.

§ 123. *Declaring an Emergency.* The present uncertainty with respect to the law governing the sale, distribution and use of alcoholic beverages constitutes an emergency, and this Act shall become a law and be effective on its passage and approval by the Governor. Provided, however, that section 70 of this Act shall become effective as provided by the Constitution of Kentucky in the absence of a declaration of emergency; and provided further, that nothing in this Act shall be construed to require any licensee engaged in traffic in alcoholic beverages to pay any additional license tax, or procure any license hereunder, prior to the procurement of the license for the fiscal year 1938-39.

Senator King moved that consideration of said bill be made a special order of business for the hour of one o'clock, P. M., today.

Said motion was agreed to.

HOUSE MESSAGE

A message was received from the House announcing that they had passed bills which originated in that body of the following titles, viz.:

H. B. No. 343. An Act to enable cities of the second class to purchase, establish, erect, acquire, maintain and operate Municipal Hospitals through the sale of Revenue Bonds, which bonds shall be payable solely through the revenue derived from the operation of such Municipal Hospitals; and providing for the creation of a board to manage said Municipal Hospital.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That cities of the second class are hereby authorized and empowered to purchase, establish, erect, acquire, maintain and operate municipal hospitals, and other necessary appurtenances thereto, within or without the purpose of supplying the cities and the inhabitants thereof with modern and sanitary hospital facilities.

§ 2. Provided, however, that before any such city shall be authorized and empowered to purchase, establish, erect, acquire, maintain or operate a municipal hospital, the legislative body of such city shall pass an ordinance declaring it desirable that such be done, and shall prepare, cause to be prepared, an estimate of the probable cost of such municipal hospital; and provided further that if a petition signed by a

number of legal voters of the city equal to twenty-five per cent of the total number of votes cast in the city in the last regular election is filed within ten days after the passage of the ordinance asking that the question of the approval of the ordinance be submitted to a vote of the people, the question of whether or not revenue bonds shall be issued to provide for the payment of the cost thereof shall be submitted to the qualified voters of such municipality at the next regular election to be held therein. The Mayor of the municipality shall if a petition provided for herein has been filed certify the ordinance to the County Court Clerk, who shall, on the ballots provided for use in the municipality which it is proposed to purchase, establish, erect, acquire, maintain or operate such municipal hospital and issue revenue bonds for payment of the cost thereof, have printed thereon the question: "Are you in favor of the purchasing, establishing, erecting, acquiring, maintaining and operating a municipal hospital in accordance with the estimate of cost adopted by the City of (here insert name of city) and the incurring of indebtedness by the issuance of revenue bonds in the amount of \$..... (here insert total face amounts of bonds estimated by the legislative body of the city to be necessary to pay the cost of such municipal hospital, based upon the estimate hereinabove provided)." And opposite the question he shall print "Yes" and "No", with the proper squares for stamping the cross mark to indicate preference. Provided, further, that the Mayor of such municipality shall advertise such election and the object thereof for at least seven (7) days before the date of such election in the newspaper having the largest circulation in the city or by handbills posted up at not less than four conspicuous places in each voting precinct in the municipality shall be privileged to vote at such election. The city shall have no authority to purchase, establish, erect, acquire, maintain or operate a municipal hospital or to issue revenue bonds unless a majority of all the qualified voters at the election

vote in favor thereof if an election shall have been called for by petition as herein provided for. Before the issuance of revenue bonds the legislative body of such city shall select the location of said municipal hospital and shall prepare or cause to be prepared the necessary plans and specifications, and take all steps necessary in its judgment for the acquisition of the land and rights of way of all lands, constructions, rights of way, franchises, and easements, the acquisition of which may be necessary for the construction of said municipal hospital.

§ 3. For the purpose of defraying the cost of purchasing, establishing, erecting, and acquiring any such municipal hospital and necessary appurtenances thereto, any such city may borrow money and issue negotiable bonds, provided no such bonds shall be issued unless and until authorized by the election as provided in this Act. If such election is called for by petition as herein provided for, and by an ordinance specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest such bonds are to bear, which shall not be more than six (6) per cent per annum. Such ordinance shall further provide that the proposed municipal hospital, with necessary appurtenances thereto, is to be purchased, established, erected or acquired pursuant to the provisions of this act.

§ 4. All bonds under the provisions of this Act may be issued bearing interest at the rate not exceeding six (6) per cent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times, not exceeding thirty (30) years from the date thereof, and at such place or places as the legislative body shall determine.

§ 5. Any and all such bonds shall have and are hereby declared to have in the hands of bona fide holders all the qualities of negotiable instruments under the law merchant, and shall not be subject to taxation. If the officers whose signatures or counter-signatures appearing on the bonds or

coupons shall cease to be such officers before delivery of such bonds, the signatures or counter-signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds shall be sold in such manner and upon such terms as the legislative body of the city shall deem for the best interests of such city, or any contract for the purchase or acquisition of any municipal hospital may provide that payment thereof shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than six per cent. Such bonds when issued shall be payable solely from the revenue funds derived from the operation of such municipal hospital as provided in Section 9 hereof, and shall not constitute an indebtedness of such city within the meaning of the constitutional provisions and limitations. It shall be plainly stated on the face of each bond that same has been issued under the provisions of this Act and does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations.

§ 6. All moneys received from any bonds issued pursuant hereto shall be applied solely to the purchase, establishment, erection, or acquisition of such municipal hospital and necessary appurtenances thereto, provided such moneys may be used also to advance the payment of interest on bonds during the first three years following the date of such bonds. And provided further, that the expenses of operation and maintenance for one month after the opening of the hospital may be advanced from these funds. There shall be and there is hereby created a statutory mortgage lien upon the municipal hospital and appurtenance thereto so acquired, to and in favor of the holders of said bonds and each of them and to and in favor of the holders of the coupons of said bonds.

§ 7. The municipal hospital, together with appurtenances thereto, so purchased, established, erected, or acquired, shall remain subject to such statutory liens until the pay-

ment in full of the principal and interest of the bonds. Any holder of said bonds or of the coupons may, either at law or in equity by suit, action, mandamus, or other proceedings, protect and enforce, the statutory mortgage lien hereby conferred and may by suit, action, mandamus, or other proceedings, enforce and compel performance of all duties required by this Act, including the making and collecting of sufficient rates, the segregation of the income and revenue, and the application thereof.

§ 8. If there be any default in the payment of the principal or interest of any of said bonds, any court having jurisdiction of the action may appoint a receiver to administer said municipal hospital on behalf of the city, with power to charge and collect rates for the services the hospital renders sufficient to provide for the payment of any bonds or obligations outstanding against said municipal hospital, and for payment of the operating expenses and to apply the income and revenue in conformity with this Act and the ordinance referred to in Section 9 hereof.

§ 9. At or before the issuance of such bonds the legislative body shall, by ordinance, set aside and pledge the income and revenue of such municipal hospital into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. Said ordinance shall definitely fix and determine the amount of revenue which shall be necessary and be so set aside and applied to the payment of the principal and interest of the bonds, and the proportion of the balance of such income and revenues which is to be set aside as a proper and adequate depreciation account, and the remaining portion of such balance shall be set aside for the reasonable and proper operation and maintenance thereof. The rates to be charged for the use of such municipal hospital and the services it renders shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same becomes due, and

to provide for the operation and maintenance thereof an adequate depreciation account. Such rates and service fees shall be fixed and revised from time to time so as to produce these amounts.

§ 10. If any surplus shall be accumulated in the operating and maintenance fund, which shall be equal to the cost of maintaining and operating such municipal hospital during the remainder of the calendar, operating, or fiscal year as may be provided by the ordinance hereinbefore required, the excess may be transferred at any time, by the legislative body, to the depreciation account to be used for any improvements or additions to such municipal hospital.

§ 11. The funds accumulating to the depreciation account shall be expended in balancing depreciation on such municipal hospital, or in making new constructions or additions thereto. Any such accumulations may be invested as the legislative body may designate, and if invested, the income from such investments shall be carried into the depreciation account.

§ 12. The city may issue new bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure described by this act. Such new bonds shall be secured to the same extent and shall have the same source of payment as the bonds which shall have been thereby refunded.

§ 13. Should the legislative body find that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the procedure as herein described.

§ 14. Any city acquiring a municipal hospital pursuant to the provisions of this Act, may, at the time of the issuing of the bonds for such acquisition provide for additional bonds for additions and permanent improvements to be placed in escrow and to be negotiated from time to time as such proceeds for that purpose may be necessary. Such bonds when

so negotiated shall have equal standing with the bonds of the same issue.

§ 15. In like manner, any city acquiring a municipal hospital under the provisions hereof may provide for the addition to and improvement of such municipal hospital by an additional issue or issues of bonds in the manner provided.

§ 16. Any city acquiring a municipal hospital under the provisions of this Act, may provide by ordinance any such provisions and stipulations for the administration of the income and revenues and for the security of the bondholders as the legislative body of such city may deem necessary.

§ 17. Any city purchasing, establishing, erecting or acquiring a municipal hospital, within or without the city, under the provisions of this Act, shall by ordinance provide for the appointment of seven commissioners to operate, manage and control said municipal hospital, such commission to be known as the Municipal Hospital Commission.

Said Municipal Hospital Commission shall provide rules, regulations and by-laws for the management of said municipal hospital and out of the revenue of the municipal hospital it shall pay operating expenses, repairs and additions which may be necessary to be made thereto, and provide sufficient reserve fund to insure the said municipal hospital is kept in repair and in same and sanitary condition and to provide against any emergency which may arise. Said Commission shall from time to time pay to the city the surplus revenue derived from the operation of said municipal hospital as is provided in Section 9 hereof.

In order that said Commission may be non-partisan and non-political, no person shall be appointed a member thereof who has, within the last two years before his appointment, held any city, county, state or Federal office, or who is related within the third degree to the mayor or member of the legislative body of such city. Said Municipal Hospital Commission shall not appoint to any subordinate office which they may create, any person who is related to the members of the

legislative body or to the mayor or chief executive of said city, or to the members of the Municipal Hospital Commission. No officer or employee of said city, whether holding a paid or unpaid office, shall be eligible to be appointed as a member of said Commission. The members of such Municipal Hospital Commission shall be citizens, taxpayers and legal voters of such city and shall not at the time of the appointment be indebted to the city either directly or indirectly or be surety on the official bonds of any officer of said city. No member of said Commission shall be interested directly or indirectly in any contract for the furnishing of supplies of any kind to said Municipal Hospital or to said city.

If at any time during the term of office any member of said Commission shall become a candidate for or be elected or be appointed to any public office, he shall automatically vacate his membership from said Commission and another person shall be appointed in his place.

The city shall pay the cost of securing bonds for said Commissioners from a surety company and said Commissioners shall each execute bond in the penal sum of \$1,000.00 conditioned upon the faithful performance of his official duties. Said bonds shall be approved by the legislative body of said city. An action may be maintained upon any Commissioner's bond by any person injured by a violation of the covenants therein contained.

Members of the Municipal Hospital Commission shall serve without compensation.

The first Municipal Hospital Commission appointed under this Act shall be appointed for terms as follows: Two for the term of one year; two for the term of two years; three for the term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

§ 18. If any section or provision of this act is for any reason illegal it is the intention that the remaining sections and parts thereof shall remain in full force and effect.

H. B. 370. An Act to amend and re-enact Section 17, Chapter 155 of the Acts of the General Assembly of Kentucky enacted at its regular 1893 session, edited as Section 388, Kentucky Statutes, Carroll's 1936 edition, relating to record books required by circuit and county court clerks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 17, Chapter 155, of the Acts of the General Assembly of Kentucky, enacted at its regular 1893 session, edited as Section 388, Kentucky Statutes, Carroll's 1936 edition, be amended and re-enacted and when so amended and re-enacted shall read as follows:

The record books required by circuit and county court clerks shall be procured by the clerk upon the order of the court of which he is clerk, and shall be paid for by the state. It is further provided that the aforesaid clerks shall file a certified copy of the court's orders requisitioning their needs with the State Purchasing Commission. Said commission shall purchase said record books in the same manner as is now provided by law for other purchases made by it.

All laws and parts of laws in conflict with the provisions of this act are hereby repealed.

H. B. 374. An Act prohibiting and making it unlawful for any person, firm, corporation, association, partnership, business trust, fiduciary or legal entity to publish or cause to be published any figures or information known to be false or misleading concerning the total actual pounds of tobacco sold at any place at or during any period of time or concerning the total number of dollars received for tobacco sold at any place at or during any period of time or concerning the average price per pound received at any place for tobacco sold at or during any period and providing penalties for the performance of the prohibited acts.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It shall be unlawful for any person, firm, corporation, association, partnership, business trust, fiduciary or legal entity to publish or cause to be published by any news agency or to any representative of the press, or to publish or cause to be published in or upon any paper of any kind or character whatsoever or in any manner whatsoever upon any substance whatsoever or in any newspaper, magazine, journal, periodical or book or in any form, kind or character of advertising medium whatsoever any figures or information known to be false, misleading or erroneous concerning the total actual pounds of tobacco sold at any place at or during any period of time, or concerning the total number of dollars received for tobacco sold at any place at or during any period of time or concerning the average price per pound received for tobacco sold at any place at or during any period of time.

§ 2. Any person, firm, corporation, association, partnership, business trust, fiduciary or legal entity who shall publish or cause to be published to any news agency or to any representative of the press or who shall publish or cause to be published in or upon any paper of any kind or character whatsoever or in any manner whatsoever upon any substance whatsoever or in any newspaper, magazine, journal, periodical or book or in any form, kind or character of advertising medium whatsoever any figures or information known to be false, misleading, or erroneous concerning the total actual pounds of tobacco sold at any place at or during any period of time or concerning the total number of dollars received for tobacco sold at any place at or during any period of time or concerning the average price per pound received for tobacco sold at any place at or during any period of time shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) for each such offense.

§ 4. The term "publish" or "published" shall include and mean to utter or cause to be uttered, to verbally declare or state by word of mouth, to print or cause to be printed, to handwrite or typewrite or cause to be handwritten or typewritten, to post, as on a billboard or on any notice or display board, or cause to be posted, to circulate or cause to be circulated, to disseminate or cause to be disseminated.

§ 5. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

H. B. 384. An act amending and re-enacting section 2739g-2d, Carroll's Kentucky Statutes, 1936 edition, relating to registration fees for trucks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 2739g-2d, Carroll's Kentucky Statutes, 1936 edition, be amended and re-enacted to read as follows:

§ 1. That all motor vehicles, excluding such as are mentioned in subsection c of Section two thousand seven hundred thirty-nine g-2 (2739g-2) Carroll's Kentucky Statutes, one thousand nine hundred thirty (1930) Edition, and excluding motor vehicles engaged in hauling passengers for hire, are classified as trucks and the annual registration fee shall be as follows:

"Those having a capacity of one thousand pounds or less, ten (\$10.00) dollars; those having a capacity of more than one thousand pounds and up to two thousand pounds, twenty-two (\$22.00) dollars; those having a capacity of more than two thousand pounds and up to three thousand pounds forty (\$40.00) dollars; those having a capacity of more than three thousand pounds and up to four thousand pounds, fifty-two (\$52.00) dollars; those having a capacity of more than four thousand pounds and up to five thousand pounds, sixty-three (\$63.00) dollars; those having a capacity of more than five

thousand pounds and up to six thousand pounds, seventy-one (\$71.00) dollars; those having a capacity of more than six thousand pounds and up to seven thousand pounds, ninety-three (\$93.00) dollars; those having a capacity of more than seven thousand pounds and up to eight thousand pounds, one hundred and twelve (\$112.00) dollars; those having a capacity of more than eight thousand pounds and up to nine thousand pounds, one hundred and thirty-eight (\$138.00) dollars; those having a capacity of more than nine thousand pounds and up to ten thousand pounds, one hundred and eighty-seven (\$187.00) dollars; those having a capacity of more than ten thousand pounds, two hundred and thirty (\$230.00) dollars; and twenty-five (\$25.00) dollars for each additional ton or fraction of a ton in excess of ten thousand pounds. The applicant for license for a motor truck shall state in his application the capacity of the truck.

“Providing that any person who applies for the registration of a truck having a capacity of three thousand pounds or less, in addition to the requirements to secure registration for said truck, files with the county court clerk an affidavit stating that he is a farmer solely engaged in the production of crops, livestock or dairy products, and that he owns a truck of the capacity of three thousand pounds or less, and that he has caused to be printed upon each side of the bed of said truck the words ‘Farmer’s Truck’, in red letters not less than three (3) inches in height, and that said truck for the next twelve months shall not be used in the transportation of anything for hire but is to be used only in transporting persons, food, provender, feed and machinery used in operating his said farm and the products grown upon said farm, and for no other purpose; then, in that event said person shall be permitted to register said truck and shall be charged therefor only four dollars and fifty cents (\$4.50).

“Providing that any person who applies for registration of a truck, in addition to the requirements to secure registra-

tion for said truck, files with the county clerk an affidavit stating that a well drilling outfit for the drilling of water wells has been mounted on and bolted to the chassis of the truck, and that the truck for the next twelve months shall not be used in the transportation of anything for hire but is to be used only in the transportation of the well drilling outfit, in that event said person shall be permitted to register said truck and shall be charged therefor only four dollars and fifty cents (\$4.50).

§ 2. The registration fees as provided herein, the issuance of receipts, duplicates, tags, and the transfer of such receipts and tags, and the accounting for fees, and all other things required to be done in connection with the same, shall be done as, and at the time and in the manner as is now or may hereafter be provided by law. One-half of all moneys raised by this tax shall be evenly distributed among the one hundred and twenty counties, one two hundred and fortieth ($1/240$) of all truck licenses going to each of the counties, for the county road funds."

H. B. 395. An act repealing and re-enacting Section Two Thousand Seven Hundred Eleven-A-One Hundred Ninety, Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Revised Edition, relating to pay, medical treatment, and funeral expenses of National Guardsmen dying or disabled when on or as the result of duty as such.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section Two Thousand Seven Hundred Eleven A-One Hundred Ninety (2711-A-190) Carroll's Kentucky Statutes, One Thousand Nine Hundred Thirty-Six, Revised Edition, is hereby repealed and re-enacted so that, when re-enacted, it shall read as follows:

(a) If any member of the National Guard shall be incapacitated from pursuing his usual business or occupation by reason of any injury received or disease contracted when on duty or assembled therefor under competent authority or lawful order, which said injury or disease shall directly result from such service, he shall be entitled to receive the pay provided by Kentucky Statute 2711A-188 and actual necessary expenses for care, hospitalization and medical attendance during the period of such incapacity not exceeding ninety days from the date of receiving such injury or contracting such disease. Where a claim is made under this section, the Adjutant General may cause examinations of the claimant to be made from time to time by a medical officer or officers designated by him, and he may direct the removal of the claimant to and his treatment in a hospital designated by the Adjutant General, and if the claimant refuse to permit such examination or if he refuse to go to such hospital or to follow the advice given or treatment prescribed for him therein, he shall forfeit and be barred from all right to any claim, pay or allowance under this section.

(b) If the death of any member of the National Guard results from an injury received or disease contracted when on duty or assembled therefor under competent authority or lawful order the Commonwealth of Kentucky shall pay his funeral expenses, but not to exceed \$100.00.

(c) The body of an officer or enlisted man, who dies while in active field service, or on active duty while his command is absent from its home station, shall, under the direction of his commanding officer, be promptly prepared for burial, enclosed in a suitable casket, and returned, at the expense of the State, to his late residence under a proper escort; provided, however, that the cost of the casket and preparing the body for burial shall not exceed the sum of \$100.00 as allowed by Subsection B of this Section.

All disbursements under Subsections A. B and C of this

Section shall be a proper charge against the State and shall be paid from the Treasury on properly certified and approved vouchers.

(d) If any member of the National Guard, when on duty or assembled therefor under competent authority or lawful order, shall do any act in the discharge of his duty, the doing of which causes him to be proceeded against by civil court action, it shall be the duty of the Attorney-General to represent the member of the National Guard in any civil proceedings so begun. If, under the same conditions, a member of the National Guard is proceeded against in a criminal action, the Adjutant General may, with the approval of the Governor, appoint for said member of the National Guard, legal counsel, who shall represent said member in any criminal proceedings so begun. The compensation paid the legal counsel shall be fixed by the Adjutant General, with the written approval of the Governor, and upon proper certification shall be paid from the appropriation for the Department of Military Affairs as other claims against that Department are paid.

H. B. 401. An act to repeal, amend, and re-enact Section twenty-four (24), Chapter one (1), of the Acts of the Second Extraordinary Session of the 1936 General Assembly, being entitled: "An Act relating to revenue and taxation on the sale and distribution of alcoholic beverages, and declaring an emergency," said Section now being codified as Section 4281c-24 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition, and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (I). That Section Twenty-four (24) of Chapter One (I) of the Acts, of the Second Extraordinary Session of

the 1936 General Assembly being entitled "An Act relating to revenue and taxation on the sale and distribution of alcoholic beverages and declaring an emergency," said section now being codified as Section 4281c-24 of Carroll's Kentucky Statutes, Baldwin's Edition of 1936 reading as follows:

"All revenues collected under the provisions of this Act shall be covered through the Department of Finance into the State Treasury and credited to the General Expenditure Fund. Brewers and wholesalers of beer are hereby authorized to deduct from the amount of the tax collected under the provisions of this Act three (3) per cent of the said amount to cover expenses incident to the reporting and remitting of such taxes as provided in this Act."

Be and the same is hereby repealed, amended and re-enacted so that as amended and re-enacted it shall read as follows:

"All revenues collected under the provisions of this Act shall be covered through the Department of Finance into the State Treasury and credited to the General Expenditure Fund. Brewers and wholesalers of beer and wholesalers of wine and liquor are hereby authorized to deduct from the amount of the tax collected under the provisions of this Act three (3) per cent of the said amount to cover expenses incident to the reporting and remitting of such taxes as provided in this Act."

WHEREAS, a great hardship has been placed upon those persons required by the Alcoholic Beverage Tax Act to affix the stamps and report the tax, and,

WHEREAS, the business of selling and distributing alcoholic beverages is being burdened, and the revenue of the Commonwealth is thereby being endangered, an emergency is hereby declared to exist, and this Act shall become a law and be effective upon the fifth calendar day from the date of its passage and approval by the Governor.

H. B. No. 422. An Act relating to revenue and taxation and providing for a license tax on theaters and providing for rates and classifications therefor.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. On each theater for public exhibitions or performances, there shall be levied an annual license based upon the number of seats per theater, the minimum charge under this section to be ten dollars, and the same to be levied according to the grades and classifications as hereinafter fixed. A theater within the meaning of this act shall be construed to be any building wherein public exhibitions or performances, including moving picture shows, and television exhibitions are given, and at which a charge is exacted from those attending same. This provision shall not apply to chautauquas, or to buildings owned by religious or charitable organizations in which public exhibitions or performances are given at which a charge is or may be exacted for those attending same.

§ 2. Every person, persons, firm, corporation, partnership or association of whatever kind or character, engaged in the business of operating two or more theaters as defined in sub-section one of this section, one or more of which is operated within this State under the same and/or ultimate general management, supervision, ownership or control, shall pay an annual license tax on each theater operated within this State, based upon the number of theaters operated by the same general management, supervision, ownership or control, shall pay an annual license tax on each theater operated within this State, based upon the number of theaters operated by the same general management, supervision, ownership or control, whether within this State or not, according to the grades and classifications as hereinafter fixed.

Sub-Section A. Any person, persons, firm, corporation, partnership or association, of any kind or character operating from one to twenty theaters operated in this Commonwealth shall pay an annual license tax of twenty cents per seat per annum for each theater operated within this State.

Sub-Section B. Any person, persons, firm, corporation, partnership or association of any kind or character, operating from twenty to forty theaters shall pay an annual license tax of eighty cents per seat per annum for each theater operated within this State.

Sub-Section C. Any person, persons, firm, corporation, partnership or association of any kind or character, operating from forty to fifty theaters shall pay an annual license tax of one dollar and sixty cents (\$1.60) per seat per annum for each theater operated within this State.

Sub-Section D. Any person, persons, firm, corporation, partnership or association of any kind or character, operating more than fifty theaters shall pay an annual license tax of three dollars and sixty cents (\$3.60) per seat per annum for each theater operated within this State.

Sub-Section 3. Provided, however, that the grades and classifications as set out in Sub-Sections A, B, C, D, and E, inclusive of Sub-Section 2 of this Act shall apply to all such theaters as described in this Act in each and every county, except counties having a city of the first class, and in such counties having a city of the first class only the grades and classifications and rate as provided in Sub-Section A of Sub-Section 2 of this Act shall apply.

Sub-Section 4. Every person, persons, firm, corporation, partnership or association of whatever kind or character, operating a theater as defined in this Act, shall file with the County Clerk of the county in which said theater or theaters are operated a statement, under oath, of the number of seats contained in each theatre operated in said County of this State,

and shall further file a statement declaring such other information, under oath, as is provided and required by the provisions of this Act.

Ordered that said bills be printed and referred to the Committee on Rules.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

H. B. 210. An Act prohibiting the operation of road-houses, tourist camps, places of public entertainment without a permit from the county court; providing for the filing of application for said permit, newspaper notice of the filing of said application and for the manner in which said permit shall be granted; providing for qualifications of the person who may be granted such permit, providing for county attorney to investigate each applicant and to report to the county court, providing for the hours said places of business may be operated within each county, and setting forth the various acts in regard to the operation of said roadhouses which shall constitute offenses and cause a revocation of said permit; providing for the penalties for a person convicted of violating the provisions of said Act, providing for the sheriffs, deputy sheriffs and county patrolmen to inspect said places of business; providing for appeal from the judgment of the county court granting or refusing said permit to the circuit court; repealing Chapter 62 of the Acts of the 1936 regular session of the General Assembly, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no roadhouse or place offering for sale non-

intoxicating, or intoxicating drinks, tourist camps or place of public entertainment at which people assemble to eat, drink, dance, bathe or engage in any game or entertainment, shall be permitted in the Commonwealth of Kentucky outside of the corporate limits of any incorporated city or town unless its owner or proprietor shall have a permit issued to him by the county court in the county in which it is located granting to him the privilege and license to operate said place of business in said county.

§ 2. Before any county court shall issue to any person, partnership, association or corporation a permit to operate any place of business as described in section one hereof there shall have been filed with the clerk of the county court an application, which application shall set forth the true name of the owner of said place of business, the exact location of the proposed place of business, the occupation of the owner and/or manager of the proposed place of business for five years immediately preceding the date of the filing of the application.

§ 3. Upon said application being filed with the clerk of the county court he shall docket the same upon the docket book of the county court and shall cause to be published in a newspaper of general circulation in said county a notice to the public that such application has been filed and said notice shall be published once each week for three consecutive weeks.

§ 4. On the first regular county court day after the expiration of thirty days from the date of filing said application the county court shall proceed to hear evidence in support of the granting of said permit on said application or in opposition thereto, provided that any person desiring to oppose said permit shall have filed in writing allegations in conformity with this act which show cause as to why said application should not be granted.

§ 5. No person shall be granted a permit who is not of good moral character or who will not in the judgment of the court obey the laws of the Commonwealth of Kentucky in the carrying on of the business or who within two years prior to

the date of the filing of said application has been convicted in any court of the Commonwealth of Kentucky of the offense of maintaining a public nuisance.

§ 6. At the time of the filing of said application said applicant shall deposit with the clerk of the county court the sum of ten (\$10) dollars, which sum shall be used by the clerk of said court to defray the cost of the notices published in said newspaper and to pay the clerk's cost for the docketing of said application on the county court order book and for recording such orders of the county court as may be entered therein. Seven dollars and fifty cents (\$7.50) of the aforesaid deposit shall be used for advertising and two dollars and fifty cents (\$2.50) thereof shall be paid to the clerk as his fees herein.

§ 7. It shall be the duty of the county attorney of said county, upon the filing of any such application to investigate the applicant and to file with said county court a written report setting forth the facts revealed by his investigation and based upon his investigation he shall recommend the granting or the denial of said permit. Said written report shall be filed with the clerk of the county court within thirty days from the date of the filing of said application.

§ 8. Within thirty days after the passage of this Act and before any permit shall be granted the county court shall by an order entered in said order book provide for reasonable hours of operation for places of business of like nature throughout the county.

§ 9. Any person, partnership, association or corporation granted a permit under this Act shall not permit or suffer:

(1) Drunken, disorderly or boisterous persons, or persons of lewd and lascivious reputation to congregate in, near or about the premises.

(2) People to congregate there for immoral or unlawful purposes or to permit any man and woman who are not mar-

ried to occupy any cabin, cottage, or any secreted room or place from which the view of the public is obstructed.

(3) To suffer or permit the premises to be occupied or used as a place of assemblage or entertainment at later hours than those stated in the permit and recorded on the order book of the county court.

§ 10. Upon the violation of any provision of this Act and the conviction of the owner and/or manager there of the judgment of said court shall provide for the forfeiture of such permit and a copy of said judgment shall be certified by said court in which said conviction occurs to the Clerk of the County Court and shall be recorded by the Clerk of the County Court in the order book thereof and said permit shall be cancelled and become null and void.

§ 11. It shall be a misdemeanor for any owner or proprietor or manager of a place of business coming within the purview of this Act to fail to apply for said permit before opening said establishment and each day that said business is operated without a permit duly issued by the County Court shall be a separate offense and upon conviction for operating said place of business without such a permit said person shall be fined not exceeding two hundred (\$200) dollars or imprisonment in the county jail not exceeding ninety (90) days, or both fined and imprisoned, in the discretion of the court or jury trying the case.

§ 12. It shall be a misdemeanor for any owner or proprietor or manager of a place of business coming within the purview of this Act to violate the provisions of this Act and upon conviction thereof such person shall pay a fine not exceeding the sum of three hundred (\$300) dollars or be imprisoned in the county jail not exceeding (90) days, or both so fined and imprisoned, in the discretion of the court or jury trying the case.

§ 13. It shall be the duty of the sheriffs and deputy sheriffs of each of said counties and of the county patrolmen to visit regularly such premises and on their observing any

violation of this Act the owner or proprietor or manager, they shall make arrests without warrants for violations committed within their presence.

§ 14. Nothing in this Act shall apply to any private home, nor to the entertainment of the bona fide guests in a private home, nor to places of business conducted only as filling stations for motor vehicles, or grocery stores.

§ 15. From the judgment of the county court refusing to grant the permit on said application the applicant may prosecute an appeal to the circuit court which shall be tried by said court as an action in equity except that the evidence shall be heard by said court in open court. From the judgment of the county court granting a permit any citizen of said county may prosecute an appeal to the circuit court and said appeal in the circuit court shall be tried as aforesaid. Before any appeal shall be perfected said applicant, or person, shall file a copy of the judgment of the county court with the circuit court clerk and shall execute a bond guaranteeing the payment of the cost of said appeal and said cost of said appeal shall be adjudged against the person losing said appeal. It shall be the duty of the county attorney to resist any appeal filed by any applicant under this Act and to represent any citizen who appeals from the judgment of the county court granting any permit. The judgment of the Circuit Court granting or refusing to grant such permit shall be final.

§ 16. Sections 2554d-1, 2554d-2, 2554d-3, 2554d-4, 2554d-5, 2554d-6, 2554d-7, 2554d-8, said sections being Chapter 62 of the Acts of the 1936 regular session of the General Assembly are hereby repealed.

§ 17. Whereas there exists in the Commonwealth of Kentucky today a condition of thousands of roadhouses and other places of business described in this Act which are a disgrace to the Commonwealth of Kentucky and a stench in the nostrils of the good citizens of the Commonwealth, and, whereas, said places of business are breeding places of crime, and it is necessary for the general welfare of the public and

the enforcement of existing laws of the Commonwealth of Kentucky, that there be immediately regulation and control of such places of business, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage by the General Assembly of the Commonwealth of Kentucky and its approval by the Governor provided that persons now operating such places of business shall be permitted to operate same for a period of sixty days from the passage of this Act to enable such persons to comply with the provisions hereof.

§ 18. If any section, paragraph or part of this Act shall be held to be unconstitutional, it shall not affect the remainder of this Act.

Senator Bowen offered the following amendment to said bill, viz.:

Amendment No. 1. Amend H. B. No. 210 by adding to Section 14 these words: "nor to transient and temporary entertainments such as circuses, carnivals, and county fairs."

So that Section 14 as amended shall read:

"Section 14. Nothing in this act shall apply to any private home, nor to entertainment of the bona fide guests in a private home, nor to places of business conducted only as filling stations for motor vehicles or grocery stores, nor to transient and temporary entertainments such as circuses, carnivals, and county fairs."

Said amendment was agreed to.

Senator Wesley offered the following amendment to said bill, viz.:

Amendment No. 2. Amend H. B. No. 210 as follows: On page 4, line 7, after the word "married" add the following:

“to each other”, so that line 7 when so amended shall read:
 “to permit any man and woman who are not married to each other to occupy any”

Said amendment was agreed to.

Senator R. C. Moss moved the Previous Question.

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Dr. R. C. Moss
Aubrey Barbour	John M. Hall	Ray B. Moss
Paul M. Basham	J. Joseph Hettinger	Ira W. See
H. Stanley Blake	H. Watt Hillman	Paul L. Sidebottom
Ollie J. Bowen	Wm. H. Jones, Jr.	John A. Sugg, Jr.
Leer Buckley	Leo King	J. E. Trager
Dr. D. H. Bush	J. W. McDonald	Ervine Turner
Waller A. Crockett	Stanley B. Mayer	E. T. Wesley
Edwin C. Dawson	Strother Melton	Otis White
W. C. Farmer	E. C. Moore	O. C. Whitfield
Lee Gibson	J. Lee Moore	B. M. Williams

There voted in the negative—

Thomas O. Turner

—1

Resolved that the title thereof be as aforesaid.

Senator Gilbert moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

The President of the Senate vacated the Chair which was occupied by Senator Edwin C. Dawson, President Pro Tem of the Senate, who presided.

At the instance of the Committee on Rules, the Senate resumed consideration of a bill entitled, viz.:

S. B. 137. (For title see S. J. of February 25th, 1938, ante.)

Said bill is as follows, viz.:

(For bill see S. J. of February 25th, 1938, ante.)

With an amendment thereto as previously adopted by the Senate, viz.:

(For amendment see S. J. of February 25th, 1938, ante.)

Senator Barbour moved that the vote by which said amendment was adopted be reconsidered.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

Aubrey Barbour	H. Watt Hillman	Ervine Turner
H. Stanley Blake	J. W. McDonald	Thomas O. Turner
Ollie J. Bowen	Stanley B. Mayer	E. T. Wesley
Dr. D. H. Bush	E. C. Moore	Otis White
Lee Gibson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Dr. R. C. Moss	B. M. Williams
John M. Hall	Paul L. Sidebottom	J. E. Wise

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Those who voted in the negative were—

Wm. R. Attkisson	Waller A. Crockett	Ira W. See
Leer Buckley	W. C. Farmer	John A. Sugg, Jr.

—6

Whereupon, said motion was agreed to.

Thereafter such reconsideration.

Senator Bush then offered the following amendment to said bill, viz.:

Amendment No. 2. Amend by striking lines 7, 8, 9, 10 and the words in line 11 up to and including the word “full” and inserting in lieu thereof:

“If the personal estate of a decedent be not sufficient to pay all his liabilities, then, the costs and charges of the administration of his estate and the burial expenses of said decedent, not to exceed the sum of \$100.00, shall be paid in full”

Senator J. Lee Moore moved that said amendment last named be laid on the table.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Paul M. Basham	Leer Buckley
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Waller A. Crockett	Strother Melton	Ray B. Moss
W. C. Farmer	J. Lee Moore	Ira W. See

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Those who voted in the negative were—

Aubrey Barbour	Stanley B. Mayer	E. T. Wesley
H. Stanley Blake	E. C. Moore	Otis White
Ollie J. Bowen	Dr. R. C. Moss	O. C. Whitfield
Dr. D. H. Bush	Paul L. Sidebottom	B. M. Williams
Ralph Gilbert	John A. Sugg, Jr.	J. E. Wise
John M. Hall	Jos. P. Tackett	
J. W. McDonald	Ervine Turner	

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Thereupon, said motion was disagreed to.

Said amendment was then agreed to.

Senator Barbour moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be engrossed and read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, and the same being engrossed, said bill was read the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Aubrey Barbour	Paul M. Basham	H. Stanley Blake
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Ollie J. Bowen	J. W. McDonald	Ervine Turner
Dr. D. H. Bush	Stanley B. Mayer	E. T. Wesley
Ralph Gilbert	E. C. Moore	Otis White
John M. Hall	Dr. R. C. Moss	B. M. Williams
H. Watt Hillman	Paul L. Sidebottom	J. E. Wise

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Those who voted in the negative were—

Wm. R. Attkisson	Lee Gibson	John A. Sugg, Jr.
Leer Buckley	Strother Melton	Jos. P. Tackett
Waller A. Crockett	J. Lee Moore	J. E. Trager
W. C. Farmer	Ira W. See	O. C. Whitfield

—12

Resolved that the title thereof be as aforesaid.

Senator Barbour moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Senator Gilbert moved that the Senate do now recess until 1 o'clock, P. M.

Said motion was agreed to.

And then the Senate recessed.

AFTERNOON SESSION

The appointed hour having arrived, the President of the Senate resumed the Chair and called the Senate to order.

HOUSE MESSAGE

A message was received from the House requesting the return of a bill entitled, viz.:

H. B. 399. An Act relating to Revenue and Taxation and declaring an emergency.

Which was passed by the House on yesterday and delivered to the Senate.

Senator Attkisson moved that said bill be returned to the House.

Said motion was agreed to.

Ordered that said bill be delivered to the Chief Clerk of the House.

At the instance of the Committee on Rules, the Senate took up for consideration a bill which had been made a special order of business for this hour entitled, viz.:

H. B. 129. (For title see Journal of today, ante.)

Said bill is as follows, viz.:

(For bill see Journal of today, ante.)

Senator Rogers offered the following amendments to said bill, viz.:

Amendment No. 1. To strike from Section 24 of H. B. No. 129 beginning on line 6 to and including line 9.

Amendment No. 2. To amend H. B. No. 129 on page 17 after the word "retailers" insert "of cities of the first and second class".

Amendment No. 3. To amend H. B. No. 129, page 51, line 40 of subsection 8 of Section 54 after the word "station" to include the words "or drug store or pharmacy". "Drug store" or "pharmacy" shall be interpreted to mean any store or establishment where the merchandise therein stored

and included is designed to be used for the purpose of supplying and ameliorating the suffering of society.

In the absence of the member offering the aforesaid amendments to said bill, the President of the Senate ruled same out of order.

Senator Wise offered the following amendment to said bill, viz.:

Amendment No. 4. Amend H. B. No. 129 in the Senate on page 28 by striking all of section 31½ therefrom and inserting in lieu thereof the following:

“Licenses prohibited in certain localities. Licenses to sell distilled spirits and wine by the drink for consumption on the premises or by package may be issued only for premises located within counties containing cities of the first, second, third, fourth, fifth or sixth class.”

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

Paul L. Sidebottom	Jos. P. Tackett	J. E. Wise
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—3

Those who voted in the negative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	John A. Sugg, Jr.
Paul M. Basham	J. Joseph Hettinger	J. E. Trager
H. Stanley Blake	H. Watt Hillman	Ervine Turner
Ollie J. Bowen	Leo King	Thomas O. Turner
Leer Buckley	J. W. McDonald	E. T. Wesley
Dr. D. H. Bush	Stanley B. Mayer	Otis White
Waller A. Crockett	Strother Melton	O. C. Whitfield
Edwin C. Dawson	E. C. Moore	B. M. Williams
Lee Gibson	Dr. R. C. Moss	

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Whereupon, said amendment was disagreed to.

Senator Ervine Turner moved the Previous Question.

Without objection said motion was withdrawn.

Senator Wise offered the following amendment to said bill, viz.:

Amendment No. 5. Amend H. B. No. 129 in the Senate on page 10, by striking all of section 9 therefrom, and inserting in lieu thereof the following:

“Powers of Members, Officers and Employees. The Administrators and Field Representatives shall have full police powers such as are now vested in sheriffs and other peace officers, provided the jurisdiction of said administrators and field representatives shall be coextensive with the boundaries of the Commonwealth. They shall have authority to inspect or examine the premises of any licensee where alcoholic beverages are manufactured, sold, stored or otherwise trafficked in.”

Said amendment was disagreed to.

Senator Gilbert offered the following amendment to said bill, viz.:

Amendment No. 6. Amend H. B. No. 129 on page 14, line 4, by striking out the word “or” and inserting the words “or fourth” after the word “third”.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

Ollie J. Bowen

W. C. Farmer

Ralph Gilbert

Wm. H. Jones, Jr.	Ray B. Moss	E. T. Wesley
J. W. McDonald	Paul L. Sidebottom	O. C. Whitfield
J. Lee Moore	Jos. P. Tackett	J. E. Wise

—12

Those who voted in the negative were—

Wm. R. Attkisson	Lee Gibson	E. C. Moore
Aubrey Barbour	John M. Hall	Dr. R. C. Moss
Paul M. Basham	J. Joseph Hettinger	J. E. Trager
H. Stanley Blake	H. Watt Hillman	Ervine Turner
Leer Buckley	Leo King	Otis White
Dr. D. H. Bush	Stanley B. Mayer	
Waller A. Crockett	Strother Melton	

—19

Thereupon, said amendment was disagreed to.

Senator Jones offered the following amendments to said bill, viz.:

Amendment No. 7. Amend H. B. No. 129 as follows: On page 12, lines 7 to 23, inclusive, to strike out all of the words and substitute therefor: "fiscal Court shall constitute a County Alcoholic Beverage Administrator Board for said county. They shall serve without salary save the salary to which they are entitled by virtue of their office and they shall be disqualified to act as County Alcoholic Beverage Control Administrators by any fact that would disqualify a member of the Kentucky Tax Commission under Section 10 of this Act from acting as a member of the State Alcoholic Control Board. Any persons who shall act as County Administrators in violation of this provision shall be subject to the penalties provided in section 10 of this Act. If any member of such Fiscal Court shall be disqualified to act as County Alcoholic Beverage Control Administrator, or if any vacancy in such office shall occur for any other reason, the Judge of the Circuit Court of such county shall appoint to such position some person at least thirty years of age who, at the time of such appointment, shall have been a citizen of this Commonwealth

and a resident of that county for at least two years next preceding the date of such appointment, and a resident of the magisterial district which he would represent for a period of more than sixty days preceding the date of such appointment, and who is able to qualify. Such appointee shall serve during the unexpired portion of the term or until the member of such body whom he replaced is able and willing to qualify.

Amendment No. 8. Amend H. B. No. 129 as follows: On pages 12 and 13 of the printed bill by substituting the words "County Administrators" for the words "County Administrator" in every occurrence where such action is required to imply the plural sense.

Said amendments were each and severally disagreed to.

Amendment No. 9. To Amend H. B. No. 129, on page 13, line 33 by striking out the words "county judge" and substituting therefor the words "members of the Fiscal Court".

Without objection said amendment was withdrawn.

Amendment No. 10. To amend H. B. No. 129 as follows: On page 14, line 4 after the word "second" strike out the word "or" and after the word "third" insert the words "fourth or fifth"; and on line 17 of the same page strike out the word "and" after the word "second" and insert a "comma" and after the word "third" insert a "comma" and after the word "third" insert the words "fourth and fifth".

Senator E. C. Moore raised the point of order that the subject matter of said last named amendment as proposed by Senator Jones had previously been disposed of.

The President of the Senate ruled that the point of order

as raised by Senator Moore was well taken, and that the amendment last named was out of order.

Amendment No. 11. To amend H. B. No. 129 as follows: On page 18 of the printed bill and on line 38 after the word "fourth" to insert the words "and fifth".

Amendment No. 12. To amend H. B. No. 129 as follows: On page 19 of the printed bill and after the word "dollars" insert the following sentence: "In counties containing cities of the fourth and fifth class—\$200.00 (Two Hundred Dollars)."

Senator Jones offered the following amendment to said last named amendments, viz.: Amend Amendments No. 11 and No. 12 by striking from each of them the word "fourth" wherever it appears.

Said amendment to the aforesaid amendments was agreed to.

Said last named amendments were then each and severally disagreed to.

Senator Wesley offered the following amendments to said bill, viz.:

Amendment No. 13. To Amend H. B. No. 129 as follows: On page 27, section 30, at end of line 77, strike the word "and" and in line 78 strike the word "three".

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

Paul M. Basham W. C. Farmer Ralph Gilbert

Wm. H. Jones, Jr.	Ira W. See	Otis White
J. Lee Moore	Paul L. Sidebottom	O. C. Whitfield
Ray B. Moss	E. T. Wesley	J. E. Wise

—12

Those who voted in the negative were—

Wm. R. Attkisson	John M. Hall	Dr. R. C. Moss
Aubrey Barbour	J. Joseph Hettinger	John A. Sugg, Jr.
H. Stanley Blake	H. Watt Hillman	Jos. P. Tackett
Ollie J. Bowen	Leo King	J. E. Trager
Dr. D. H. Bush	J. W. McDonald	Ervine Turner
Waller A. Crockett	Stanley B. Mayer	Thomas O. Turner
Edwin C. Dawson	Strother Melton	B. M. Williams
Lee Gibson	E. C. Moore	

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Whereupon, said amendment was disagreed to.

Amendment No. 14. To Amend H. B. No. 129 as follows: On page 61, section 77, in line 3, insert after the word “purpose” the words “at any time” and after the word “Sunday” insert a “,”; so that said line when so amended shall read “shall be permitted to remain open for any purpose at any time on Sunday, or on”

Amendment No. 15. To Amend H. B. No. 129 as follows: On page 78, Section 122, line 10, after the word “conflict” strike “.” insert “;” and the following: “Provided however nothing in this act shall in any way interfere with Sections 2554c-1 to and including 2554c-42, Carroll’s Kentucky Statutes, 1936 Edition, and commonly known as the Local Option Law.”

Said amendments were each and severally disagreed to.

Senator Tackett offered the following amendment to said bill, viz.:

Amendment No. 16. Amend H. B. No. 129 by striking therefrom all of Section 31 $\frac{1}{2}$.

Without objection said amendment was withdrawn.

Senator See offered the following amendments to said bill, viz.:

Amendment No. 17. Amend H. B. No. 129, Section 24, line 21, after the word "sale" by striking out the last sentence of that section.

Senator Wise moved that said amendment be laid on the table.

Said motion was disagreed to.

Amendment No. 18. Amend H. B. No. 129, Section 89, page 65, line 2, after the word "company" by inserting the following "or a bona fide licensed dealer"

Said last named amendments were each and severally disagreed to.

Senator Trager offered the following amendments to said bill, viz.:

Amendment No. 19. Amend H. B. No. 129 in Senate, Section 15, page 14, line 13 and 14 by striking out "by the Commissioner of Revenue with the approval of the Governor" and inserting in lieu thereof the following: "by the Mayor of the City of Louisville."

Amendment No. 20. Amend H. B. No. 129 in Senate, page 16, Section 17, line 11, by inserting after the word "substitutions" and before the word "two" the word "one"

Said amendments were each and severally disagreed to.

Senator Gibson moved that the rules be suspended and the privilege of the floor be extended to Mr. T. B. Smith of Frankfort, Kentucky.

Said motion was unanimously agreed to.

Senator Barbour offered the following amendment to said bill, viz.:

Amendment No. 21. Amend H. B. No. 129 in the Senate in line 34, page 18, by inserting \$25.00 instead of \$400.00 (Four hundred)

In line 36, page 18, by inserting \$25.00 instead of \$300.00 (Three Hundred)

In line 38, page 18, by inserting \$25.00 instead of \$200.00 (Two hundred)

In line 40, page 18, by inserting \$25.00 instead of \$100.00 (One hundred)

Also in line 46, page 18, by inserting \$100.00 instead of \$400.00 (Four hundred)

Also in line 48 of page 19 by inserting \$100.00 instead of \$300.00 (Three hundred)

Also by striking out "Only such licenses of", of line 9 and all of lines 10, 11, 12, 13 on page 16 and lines 14, and 15 and the part of line 16, preceding the period thereon, on page 17.

Said amendment was disagreed to.

Senator Hillman offered the following amendment to said bill, viz.:

Amendment No. 22. Amend printed copy of H. B. No. 129 in the Senate on page 60, section 75, line 7, by adding after the word "drugstore" and before the words "or private" the following words, "holder of a retail package license"

Without objection said amendment was withdrawn.

Senator J. Lee Moore offered the following amendment to said bill, viz.:

Amendment No. 23.

AMEND RULES COMMITTEE SUBSTITUTE
HOUSE BILL NO. 129, TITLE III, ARTICLE 2, PAGE 22.

Immediately after the "period" in Section 24 in line 24 and immediately before Section 25 insert a new Section to be designated Section 24½ as follows:

SECTION 24½. SPECIAL WHOLESALERS LI-
CENSES; BUSINESS AUTHORIZED.

A. Special Wholesalers Licenses may be issued, the fee for which shall be One Thousand (\$1000.00) Dollars per annum, unless the applicant shall hold a license under Subsection 4 of Section 18 of this Act and in that event the fee shall be Two Hundred and Fifty (\$250.00) Dollars per annum.

B. A special Wholesale License shall authorize the holder thereof to purchase from distilleries, rectifying plants and wholesalers within or without the Commonwealth and to receive, store, possess and sell Federal tax paid alcoholic beverages at wholesale, from the licensed premises and shall authorize such Special Wholesaler to transport alcoholic beverages for himself in any vehicle owned or leased by him from any licensed distillers or rectifiers place of business in the Commonwealth and from any station, depot, or car of any

common carrier to the licensed premises of the Special Wholesaler. Any Special Wholesale Licensee may sell and deliver distilled spirits and wine at the licensed premises within the Commonwealth for resale or consumption without the Commonwealth, to any non-resident purchaser as herein defined regardless of where said purchaser may reside so long as said purchaser does not reside within the Commonwealth of Kentucky, any provision of this Act, any other Act, or rule of any Department or Division to the contrary notwithstanding; provided, however, the Commissioner of Revenue may by rule or regulation prohibit or regulate the sale of distilled spirits and wine to any non-resident purchaser who resides in a State contiguous to the Commonwealth of Kentucky, which permits the sale of distilled spirits containing an alcoholic content of more than twenty-four (24) per cent by weight, for beverage purposes.

C. A non-resident purchaser is hereby defined to mean any person, whether licensed or not by this or any other State, purchasing distilled spirits and wine, who resides without the Commonwealth of Kentucky; or any firm, whether licensed or not by this or any other State, having no place of business within the Commonwealth or any corporation, existing under the laws of a State other than the State of Kentucky whether licensed or not by this or any other State, if said corporation is not qualified to do business within the State of Kentucky.

D. No person holding a license under Subsection A of this Section, shall be subject to any criminal or civil liability or be deprived of his license by revocation or suspension for exercising any right or privilege granted under this Section to said licensee or permittee, and no person holding a license or permit as a wholesaler issued by the Division of Alcohol Control of the Department of Business Regulation, for the fiscal year of 1937-38 who has filed the statement required under Sub-section K of this Section, shall be subject to any criminal or civil liability or be deprived of his license by revocation or suspension for exercising any right or privilege

granted under this Section to said licensee or permittee, any provision of this Act, any other Act or any rule or regulation of any Division or Department to the contrary notwithstanding.

E. Any non-resident purchaser as heretofore defined may purchase, from any licensee or permittee as provided in Sub-section B, distilled spirits and wine, and may possess

F. The Commissioner of Revenue may appoint one Special Enforcement Officer for each wholesaler or special wholesaler engaged in the sale of distilled spirits and wine to non-resident purchasers as herein defined, and may remove such officer will. Such officer shall be appointed for a term of one year unless removed by the Commissioner. He shall receive compensation in such sum as may be fixed by the Commissioner of Revenue, monthly in the same manner as other State salaries are paid, not to exceed the sum of One Hundred and Fifty (\$150.00) Dollars per month. Such special Officers shall be paid from the appropriation contained in this Section for the Department of Revenue.

G. Special Enforcement Officers shall be and remain at the place of business of licensees not less than twelve (12) hours each day for the purpose of issuing transportation permits to non-resident purchasers. Such Special Enforcement Officer shall issue to non-resident purchasers temporary permits for transportation of distilled spirits and wine from the licensed premises to points without the Commonwealth and said permit shall be dated and the hour of issuance stamped upon the same. Such permit shall be issued without charge. Such Special Enforcement Officer shall report any violation of this Section to the State Alcoholic Beverage Board.

H. No sale of distilled spirits and wine shall be made to any non-resident purchaser in quantities of less than twenty-five (25) cases. A case is hereby defined to mean: any package, carton or box, prepared for sale, suitable, adapted and intended to hold immediate containers of alcoholic beverages of uniform size and capacity, which shall hold not less than

three nor more than forty-eight (48) containers of any size, and which said containers shall have an aggregate capacity of not less than 2-4/10 wine gallons and not more than three wine gallons; or any number of boxes fastened together so as to make one complete package, containing not more than twenty-four (24) immediate containers, of the aggregate capacity of not more than three wine gallons of Distilled Spirits.

I. (1) There is hereby levied upon the sale or distribution by gift, by wholesalers, a tax of \$1.04 on each wine gallon of distilled spirits sold for re-sale or consumption within the Commonwealth of Kentucky, and a like or proportional rate per gallon, on spirits sold or distributed in any other container of more or less than one gallon, for re-sale or consumption within said Commonwealth.

(2) There is hereby levied upon the sale or distribution by gift, by wholesalers, a tax of eight (\$0.08) cents on each wine gallon of distilled spirits sold within the Commonwealth, not for re-sale or consumption within the Commonwealth of Kentucky, and a like proportional rate per gallon, on spirits sold or distributed within the Commonwealth, in any other container of more or less than one gallon, not for re-sale or consumption within said Commonwealth.

(3) This Act shall not be construed to repeal, amend, or modify any tax imposed by any provision of Chapter 149 of the Acts of the General Assembly of 1934 in force and effect at the time this Act becomes a law, provided, however, nothing herein shall be construed to revive Section 3 of said Act herein (Section 4214a-14 Carroll's Kentucky Statutes), which has been heretofore repealed. Section 4 of Chapter 1 of the Acts of the General Assembly at the Third Extraordinary Session, 1936, being Section 4281c-4 of Carroll's Kentucky Statutes, 1936 Edition be, and the same is hereby repealed.

(4) Every Special Wholesaler or Wholesaler, before delivering any distilled spirits, in cases stamped with the Special Excise Stamp or Stamps, shall require the person or

persons receiving delivery of said spirits to acknowledge receipt of same upon the original invoice in the following form:

“The undersigned acknowledges receipt of the Distilled Spirits described above and represents that the same will not be sold or consumed within the State of Kentucky; that the purchaser named in this invoice is a resident of a State other than the State of Kentucky.

(Signature).....”

Any Wholesaler or Special Wholesaler requiring the execution of such receipt before making such delivery shall not be liable for the tax imposed under paragraph (1) of this Sub-section.

(5) It shall be unlawful for any person receiving distilled spirits to execute a false receipt for same, and any person executing such false receipt shall be deemed guilty of a felony and upon conviction, shall be punished by imprisonment of not less than one year, nor more than ten years, or by a fine of not less than One Thousand (\$1000.00) Dollars, nor more than Ten Thousand Dollars (\$10,000.00) or both such imprisonment and fine.

J. (1) Stamps evidencing the payment of the Excise Tax levied under paragraph (1) of Sub-section I of this Section shall be designated and known as “Consumer’s Excise Stamps.”

(2) There shall be affixed to the immediate container of all distilled spirits, if sold for re-sale or consumption within the Commonwealth of Kentucky, the proper Consumer’s Excise Stamp.

(4) There shall be affixed to the case containing the immediate containers of all distilled Spirits, if sold within the Commonwealth, not for re-sale or consumption within the Commonwealth, a Special Excise Stamp.

(5) The Commissioner of Revenue shall have available for sale, stamps of such denominations, kind and quantity as he shall deem necessary for the payment of taxes imposed

by this Act but no Consumer's Excise Stamp shall be issued in a denomination of less than Seven (\$0.07) cents for use on distilled spirits and no charge, other than the face value of any stamp or the Excise Tax shall be paid for such stamps. The Commissioner shall issue Special Excise Stamps in the denomination of Twenty-four (\$0.24) Cents the sum of One (\$0.01) cent for each of said Special Excise Stamps. Consumer's Excise Stamps may be sold to licensed Wholesalers only. Special Excise Stamps shall be sold only to wholesalers until July 1, 1938, and thereafter shall be sold only to Special Wholesale Licensees or to persons holding both a Wholesale and Special Wholesale License.

(6) Consumers Excise Stamps or Special Excise Stamps as the case may be, shall be affixed to the immediate containers or the cases of distilled spirits at the licensed premises of every Wholesaler or Special Wholesaler, before the said distilled spirits are removed from the premises of such wholesale licensee or Special Wholesale Licensee.

K. No person, persons, firm, or corporation now holding a license or permit issued by the Division of Alcoholic Control of the Department of Business Regulation authorizing such person, persons, firm, or corporation to sell distilled spirits at wholesale during the fiscal year of 1937-38 shall be authorized and permitted under such license or permit to exercise all of the rights and privileges which may be exercised under this Act by a Special Wholesale Licensee until July 1, 1938, provided, however, such wholesaler desiring to exercise such privileges shall file with the State Alcoholic Beverage Board a statement in writing within thirty (30) days after this Act becomes a law that said wholesaler desires to exercise the privileges granted to a Special Wholesale Licensee and thereupon a said wholesaler shall have the right to exercise the privileges granted to a wholesale and to a Special Wholesale Licensee under this Act and the privileges of such Special Wholesale Licensee may be exercised even though expressly prohibited in this Act to a wholesaler. It is the

Legislative intent that the restrictions and prohibitions prescribed for wholesalers in Section 23 and 24 shall apply only to licensees holding only a wholesale license issued under this Act and shall not apply to a Special Wholesale Licensee or a person holding both a Wholesale and a Special Wholesale License.

L. All revenue collected under the provisions of paragraph (1) of Sub-section I are hereby appropriated to the General Expenditure Fund and there is hereby appropriated to the Department of Revenue out of said General Expenditure Fund the sum of Ten Thousand (\$10,000.00) Dollars for the period ending June 30th, 1938, and the sum of Thirty Thousand (\$30,000.00) Dollars annually thereafter for the payment of the salaries of Special Enforcement Officers of the Department of Revenue and such appropriation shall continue until the expiration of the next regular Session of the General Assembly and until any law passed by the said General Assembly in lieu thereof becomes effective. All funds herein appropriated, not expended or obligated at the end of each fiscal year, shall be covered through the Department of Finance into the State Treasury and credited to the General Expenditure Fund.

M. All revenue collected under the provisions of paragraphs 1 and 2 of Sub-section I not otherwise appropriated in this Act, is hereby appropriated, to, and shall become a part of the General Expenditure Fund.

The yeas and nays being taken thereon were as follows, viz.:

Those who voted in the affirmative were—

Ollie J. Bowen	J. Lee Moore	Jos. P. Tackett
Edwin C. Dawson	Ray B. Moss	J. E. Trager
W. C. Farmer	Ira W. See	J. E. Wise
Wm. H. Jones, Jr.	Paul L. Sidebottom	
J. W. McDonald	John A. Sugg, Jr.	

Those who voted in the negative were—

Wm. R. Attkisson	John M. Hall	Dr. R. C. Moss
Paul M. Basham	J. Joseph Hettinger	Ervine Turner
H. Stanley Blake	H. Watt Hillman	Thomas O. Turner
Dr. D. H. Bush	Leo King	E. T. Wesley
Waller A. Crockett	Stanley B. Mayer	Otis White
Lee Gibson	Strother Melton	O. C. Whitfield
Ralph Gilbert	F. C. Moore	B. M. Williams

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Whereupon, said amendment was disagreed to.

Senator J. Lee Moore then offered the following amendments to said bill, viz.:

Amendment No. 24.

Amend Rules Committee Substitute House Bill 129, Title II, Section 7, sub-section 2, pages 8 and 9 by striking out all of said sub-section and inserting in lieu thereof the following:

“To limit in its sound discretion the number of licenses of each kind or class to be issued in this Commonwealth or within any political subdivision thereof and to restrict the location of licensed premises; and to that end, the said Board shall not issue or authorize the issuance of licenses to Special Wholesalers within the borders of any county in a number in excess of the license permits issued to wholesalers in such county by the Division of Alcoholic Control, of the Department of Business Regulation for the fiscal years of 1937-1938; provided, however, no manufacturer, distiller, rectifier, vintner or wholesaler holding a license or permit to conduct either of said businesses during the fiscal year of 1937-1938, shall be deprived by this sub-section of the right to renew his license within the same city or county, as provided in Section 38½.

Amendment No. 25.

AMEND RULES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 129, TITLE II, page 15.

Immediately after Section 15 and immediately before Section 16 insert a new Section to be designated Section 15½ as follows:

SECTION 15½. DUTIES OF RESPECTIVE SHERIFFS.

A. Each Sheriff of each County, in addition to the duties imposed upon him by law, is hereby specifically charged with the performance of all duties required of him by this Act.

B. Each Sheriff, in counties where the sale of alcoholic beverages is permitted, shall perform the following duties:

(1) Supervise the conduct of the business at the premises of every licensee within their respective counties, except in cities of the first and second class;

(2) inspect and examine the premises of any licensee at any time;

(3) seize property and alcoholic beverages used and possessed in violation of this Act;

(4) make special reports to the State Alcoholic Beverage Board of violations of law or breaches of the peace, occurring in licensed premises;

(5) make periodical and special reports as required by the State Alcoholic Beverage Board;

(6) report to the Board all violations of the rules and regulations of the State Alcoholic Beverage Board;

(7) visit the premises of every licensed retailer, for purposes of inspection at least twice each month except in cities of the first and second class.

(8) serve notices and orders of the State Board when required so to do.

C. In addition to the duties now provided by law to be performed by Sheriffs of Counties in which the sale of alcoholic beverages is not permitted, said Sheriffs are specifically charged with the enforcement of all laws prohibiting the sale or traffic in non-taxed paid alcoholic beverages, and in addition to such duties, said Sheriffs shall inspect shipments of alcoholic beverages being transported through such counties, so as to determine whether or not the tax upon same has been paid.

D. The Sheriff of each County of the Commonwealth, in addition to the compensation which he now receives, shall receive for his services, under this Act, the sum of Fifteen Hundred (\$1500.00) Dollars per annum, payable monthly, in the same manner as the salaries of State Officers are now paid.

E. There is hereby appropriated out of the General Expenditure Fund from the revenue deposited therein collected under the provisions of paragraph 2, Sub-section I of Section 24½ the sum of Sixty Thousand (\$60,000.00) Dollars for the period ending June 30, 1938, and the sum of One Hundred and Eighty Thousand (\$180,000.00) Dollars annually thereafter for the purpose of carrying into effect the provisions of this Section. This appropriation shall continue until the expiration of the next regular Session of the General Assembly and until any law passed by the said General Assembly in lieu thereof becomes effective. All funds herein appropriated not expended or obligated at the end of each fiscal year, shall be covered through the Department of Finance into the State Treasury and credited to the General Expenditure Fund.

Amendment No. 26.

AMEND HOUSE BILL 129, TITLE III, SECTION 38, Page 32, Line 15.

Immediately after Section 38 insert a new Section to be designated Section 38½ as follows:

SECTION 38½. RENEWAL OF LICENSES OF EXISTING LICENSEES; EXCEPTION FROM COMPLIANCE WITH CERTAIN SECTIONS AND SUB-SECTIONS; EXCEPTIONS.

Any applicant who, during the preceding fiscal year was issued a license or permit, or both, by the Division of Alcohol Control of the Department of Business Regulations, to conduct the same class of business in the same City or County, as the case may be, or any applicant who, during the preceding fiscal year was issued a license or licenses, by the State Alcoholic Beverage Board, to conduct the same class of business, or businesses, in the same City or County, as the case may be, shall be entitled upon the filing of the application provided for in Section 36, and the payment of the required license tax, to have a license or licenses issued authorizing the conduct of the same class of business or businesses, within the same City or County as the case may be, for the succeeding fiscal year; and any person holding Wholesale License or Permit, or both, issued by the Division of Alcohol Control, Department of Business Regulations for the fiscal year 1937-1938 shall be entitled to a Wholesale License or a Special Wholesale License, or both, at the election of the applicant, for the succeeding fiscal year and the provisions of Section 35 shall not apply to any such applicant; provided, however, this Section shall not be construed to exempt any applicant from the provisions of said Section or authorize the issuance of a license to any applicant who has not fully complied with the applicable sections thereof, who:

(1) has had such license for the preceding year revoked; or

(2) whose license was not in force and effect at the expiration of the fiscal year by reason of a suspension thereof; or

(3) to any applicant against whom is pending, at the expiration of any fiscal year, revocation proceedings under Section 44, if at the time of filing such application no final judgment or order has been entered by the Board in said proceedings.

B. Applicants who are not entitled to renew their licenses by reason of paragraph 3 of Sub-section A of this Section, may file with an application for renewal, a request for an immediate hearing, and said Board shall, within ten (10) days, hear and determine whether such applicant has been guilty of anything charged in the complaint, which would have justified revocation or suspension of his former license. If the Board, shall find such person guilty, he shall not be permitted to obtain a license until two years have expired, from the date of the order of the Board; but, if he is not found guilty, he shall be entitled to renew his license under this Section. The procedure and burden of proof, as provided in proceedings for revocation or suspension of a license, shall apply in this proceeding, and an appeal will lie as provided in Section 49, from the final order of the Board. No hearing shall be granted under this Sub-section unless the applicant shall file such request with the Board, within ten (10) days after the beginning of the Fiscal year immediately succeeding the year in which the applicant held a license.

Amendment No. 27. Amend Rules Committee Substitute H. B. No. 129, Title III, Section 27, page 33, line 19: Strike out the figures "Twenty-five Thousand (\$25,000.00) Dollars" and insert in lieu thereof: "Ten Thousand (\$10,000.00) Dollars."

Amendment No. 28. Amend Rules Committee Substitute Bill No. 129, Title III, Article IV, Section 37, page 33, lines

24 and 25: Strike out the following words: "are now or might" and insert in lieu thereof the following word "may"

Amendment No. 29. Amend Rules Committee Substitute H. B. No. 129, Title III, Section 41, page 36, lines 17 to 20: Strike out "and in any event, any license authorized to be issued under this Act may be refused for any reason which the Administrator in the exercise of his sound discretion may deem sufficient."

Amendment No. 30. Amend H. B. No. 129, Title III, Section 43, page 37, lines 22, 23 and 24: Strike out the following words: "or any such license may be revoked for any cause which the Alcoholic Beverage Board in the exercise of its sound discretion deems sufficient"

Amendment No. 31. Amend Rules Committee Substitute H. B. No. 129, Title III, Article V, Section 43, page 37, line 2: Strike out the word "violated" and insert in lieu thereof: "has been convicted of a violation of"

Amendment No. 32. Amend Rules Committee Substitute Bill No. 129, Title III, Article IV, Section 31, page 27, line 11: Immediately after the word "a" insert the following: "Special Wholesale License."

Amendment No. 33. Amend H. B. No. 129, Title III, Section 43, page 38, line 55: Strike out the words: "or granted under any Act of Congress"

Amendment No. 34. Amend Rules Committee Substitute H. B. No. 129, Title III, Article V, Section 43, page 37, lines 12 and 13: Strike out "any Act of Congress or any

rules or regulations of any Federal Board, Agency, or Commission.”

Amendment No. 35. Amend H. B. No. 129, Title IV, Section 54, page 48: Strike out the following words in line 8: “and has not had an actual” and strike out all of the words in lines 9, 10, 11, 12, and 13.

Amendment No. 36. Amend H. B. No. 129, Title IV, Section 55, page 50, line 11: Strike out the following words: “or has not had an actual” and strike out all of the words in lines 12, 13, 14 and 15.

Amendment No. 37. Amend Rules Committee Substitute H. B. No. 129, Section 90, page 64, line 3, by inserting immediately after the word “licensees” the following: “under Section 29”

Amendment No. 38. Amend the title of Rules Committee Substitute H. B. No. 129 by inserting immediately after the word “beverages” in line 2 of the title of the printed bill the following words: “imposing and levying excise taxes upon the sale and distribution of distilled spirits.”

Amendment No. 39. Amend the title of Rules Committee Substitute H. B. No. 129 by inserting immediately after the word “beverages” in line 2 of the title of the printed bill the following words: “imposing and levying excise taxes upon the sale and distribution of distilled spirits; providing for the duties of certain officers, their compensation and making certain appropriations”

Without objection said amendments to said bill were withdrawn.

Senator Jones offered the following amendment to said bill, viz.:

Amendment No. 40. Amend H. B. No. 129 as follows: On page 29, line 25, of the printed bill, strike out the words "one hundred" and substitute the words "two hundred and fifty"

Said amendment was disagreed to.

Senator J. Lee Moore then offered the following amendment to said bill, viz.:

Amendment No. 41. Amend Rules Committee Substitute for House Bill 129 as follows:

Strike out every Article, Section, Sub-section, Paragraph, sentence, clause, and word, after the enacting clause of said Bill and insert in lieu thereof the following:

TITLE I.

SHORT TITLE; DEFINITIONS.

Section I. SHORT TITLE. This Act shall be known and may be cited and referred to as the "Alcoholic Beverage Control Law."

Section II. DEFINITIONS. Whenever used in this Act, unless the context requires otherwise, or unless it is otherwise specifically provided in any title:

(1) "Alcohol" means and includes ethyl, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process produced.

(2) "Alcoholic Beverage" means and includes alcoholic spirits, liquor, rum, wine, and every liquid or solid, patented or not, containing in an amount in excess of that now permitted or that may hereafter be permitted under Chapter I

of the Acts of the General Assembly of 1936, known as the Local Option Law, or any amendment thereof, and capable of being consumed by a human being and every spurious or imitation liquor sold as, or under any name commonly used for alcoholic beverages, whether containing alcohol or not. Provided that there is excepted from this definition of alcoholic beverages, the following, if they are unfit for use for beverage purposes; (a) medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopœia, national formulary or the American Institute of Homeopathy; (b) Patented, Patent and proprietary medicines; (c) toilet, medicinal and antiseptic preparations and solutions; (d) flavoring extracts and syrups; and (e) denatured alcohol.

(3) "Beer" or "Malt Beverages" means and includes any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute therefor, and having an alcoholic content greater than that now permitted or that may hereafter be permitted under Chapter 1 of the Acts of the General Assembly of 1936, known as the Local Option Law, or any amendment thereof.

(4) "Board" or "State Board" or similar abbreviation used herein means the Kentucky State Alcoholic Beverage Control Board created by this Act.

(5) "Bonded Warehouses" means and includes, any person other than a Distiller engaged in the business of operating a United States Bonded Warehouse in the Commonwealth of Kentucky, for the storage of Distilled Spirits produced at any Distillery duly Registered in the office of any Collector of Internal Revenue for the United States.

(6) "Bottle" means and includes any sealed immediate container, irrespective of the material from which it is made, intended for use in the sale of alcoholic beverages at retail.

(7) "Bottling" means the placing of alcoholic bever-

ages in any retail container irrespective of the material from which said container is made.

(8) "Brewer" means and includes any person who owns, occupies, carries on, works or conducts any brewery, either by himself or by his agent.

(9) "Brewery" means and includes any place or premises where beer is manufactured for sale; and all offices, granaries, mash rooms, cooling rooms, vaults, yards and store-rooms connected therewith, or where any part of the process of the manufacture of beer is carried on, or where any apparatus connected with such manufacture is kept or used, or where any of the products of brewing or fermentation are stored or kept, shall be deemed to be included in and to form a part of the brewery to which they are attached or are appurtenant.

(10) "Building containing licensed premises" means and includes the licensed premises themselves and any room in any building used directly or indirectly, by a licensee for the conduct of the licensed business, and any two buildings, used for the same business, located within fifty feet of each other without any other intervening buildings.

(11) "Chairman" means the Chairman of the Kentucky State Alcoholic Beverage Control Board.

(12) "Case" means any package, carton or box, prepared for sale, suitable, adapted and intended to hold immediate containers of alcoholic beverages of uniform size and capacity, which shall hold not less than two containers of any size, and not more than three gallon containers, twelve quarts of fifth containers, twenty-four pint or forty-eight half pint containers; or any number of boxes fastened together so as to make one complete package, containing not more than twenty-four immediate containers, of the aggregate capacity of not more than three wine gallons of Distilled Spirits; and so far as Malt Beverages are concerned, a case shall consist of twenty-four containers of twelve ounces each, or the equivalent thereof.

(13) "Commissioner" or "Revenue Commissioner" means the Commissioner of Revenue of the Commonwealth of Kentucky.

(14) "Commonwealth" or "the Commonwealth" means the Commonwealth of Kentucky.

(15) "Convicted" and "Conviction" mean and include the entry of final judgment by a Court of competent jurisdiction adjudging a defendant guilty of the offense charged, even though the Court may have suspended the execution of the sentence.

(16) "Consumer's Excise Stamp" means and includes that stamp prepared by the Commissioner of Revenue to be affixed to immediate containers, as evidence of the payment of the excise tax levied upon the sale of alcoholic beverages within the State, for re-sale or consumption within the State.

(17) "Department" means the Department of Revenue of the Commonwealth of Kentucky.

(18) "Distiller" means and includes any person engaged in the business of manufacturing distilled spirits at any distillery either within or without the Commonwealth, duly registered as required by laws of the United States.

(19) "Distillery" means and includes any place or premises duly registered in the office of any Collector of Internal Revenue for the United States where distilled spirits are manufactured for sale.

(20) "Distributor" means and includes anyone, whether distributor, jobber, broker, agent or other person, whether enumerated in the Act or not, who distributes malt beverages, at wholesale, for the purpose of being sold at retail.

(21) "Field Representative" means and includes all employees or agents of the Department of Revenue who are regularly employed and whose primary function is to travel from place to place for the purpose of visiting taxpayers and all employees or agents of said Department who may be assigned, temporarily or permanently, by the Commissioner to

duty outside of the main office of the Department at Frankfort, in connection with the administration of this Act.

(22) "License" means and includes any license issued pursuant to this Act.

(23) "Licensee" means and includes any person to whom a license has been issued pursuant to this Act

(24) "Liquor" means and includes all alcoholic beverages.

(25) "Local Control Board" shall mean and include any City Alcoholic Beverage Board or County Alcoholic Beverage Board according to the location of the place of business of the applicant or licensee.

(26) "Non Resident" means and includes, any person who resides without the Commonwealth and also means any firm maintaining a place of business without the Commonwealth; it shall include any corporation organized and existing under the laws of another State, which is not qualified to do business within the Commonwealth.

(27) "Manufacture" means and includes distilling, rectifying, brewing, bottling, and operating a winery.

(28) "Manufacturer" means and includes a vintner, distiller, rectifier, or brewer and any other person, whether included in the aforesaid catagories or not, engaged in the production, blending or rectifying of alcoholic beverages.

(29) "City Clerk" means and includes any city clerk, or any other person or Board, charged with the dity of issuing licenses of any municipal corporation.

(30) "Person" means and includes individual, partnership, joint stock company, business, trust, association, corporation or other form of business enterprise, including a receiver, trustee or liquidating agent.

(31) "Premises" or "Licensed Premises" mean and include the land and building or buildings, in and upon which any business regulated under this Act is operated or conducted. This shall include two separate buildings located upon

the same lot with no intervening building or obstruction between them, if the same class of business is conducted in both of said buildings and as a direct part of the licensed business.

(32) "Purchaser" means and includes one who buys alcoholic beverages.

(33) "Rectifier" means and includes any person who rectifies, purifies or refines distilled spirits or wines by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying or refining distilled spirits, by mixing such spirits, wines or liquors with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wines, spirits, cordials, bitters or any other name.

(34) "Retail License" means and includes, any person, firm or corporation, licensed under this Act to sell distilled spirits or wine at retail, either by the drink or by the package, and includes persons holding licenses under Sub-Section 2, 7 and 9 of Section 24, except when such licensees are expressly excluded from the meaning of said words by the context of this Act.

(35) "Retail sale" or "Sale at retail" means and includes any sale of less than five gallons of distilled spirits, or any sale of wine or malt beverages to a consumer, or other person not for resale.

(36) "Retailer" means and includes any person who makes retail sales of any beverage within the Commonwealth, for the sale of which a license is required under the provisions of this Act.

(37) "Sale" means and includes any transfer, exchange or barter, in any manner or by any persons whatsoever for consideration. Delivery or transfer of samples not based upon a consideration shall not be construed a sale except to the extent of requiring such samples to be stamped with a Consumer's Excise Stamp.

(38) "State" or "the State" means the Commonwealth

of Kentucky, except where the context does not permit such construction.

(39) "Special Excise Stamp" means and includes that stamp prepared by the Commissioner of Revenue, to be affixed to cases of distilled spirits as evidence of the payment of the excise tax levied upon the wholesale sale of alcoholic beverages within the State, not for resale or consumption within the State.

(40) "Special Wholesaler" shall mean a person issued a Special Wholesale License under this Act, and any Wholesaler authorized to sell distilled spirits stamped with a Special Excise Stamp.

(41) "Spirits" or "Distilled Spirits" means and includes any product capable of being consumed by a human being which contains alcohol in excess of the amount now permitted or that may hereafter be permitted by Chapter I of the Acts of the General Assembly of 1936, known as the Local Option Law, or any amendment thereof, obtained by distilling, mixed with water or other substances in solution, except wine as herein defined.

(42) "Vintner" means and includes any person who owns, occupies, carries on, works, conducts or operates any winery, either by himself or by his agent, except persons who manufacture wine for sacramental purposes exclusively.

(43) "Wholesale sales" or "sale at Wholesale" means and includes a sale to any person at one time of five gallons or more of distilled spirits, and the sale of any other alcoholic beverages for the purpose of resale.

(44) "Wholesaler" means and includes any person who sells at wholesale any beverage, for the sale of which in this Commonwealth, a license is required under the provisions of this Act, except a distiller, rectifier, brewer, or vintner. This word shall include a Special Wholesale License.

(45) "Wine" means and includes the product of the normal alcoholic fermentation of the juices of fruits, with the

usual cellar treatment and necessary additions to correct defects due to climatic, saccharine and seasonal conditions, including champagne, sparkling and fortified wine of an alcoholic content not to exceed 24 percent by volume.

(46) "Winery" means and includes any place or premises wherein wine is manufactured from any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are compounded, and also includes a winery for the manufacture of wine in any other state or country than Kentucky which has and maintains a branch factory, office or storeroom within this Commonwealth and receives wine within this Commonwealth consigned to a United States Government bonded winery, warehouse or storeroom located within this Commonwealth.

(47) Wherever the context permits it, the masculine gender includes the feminine and neuter, the singular number includes the plural and any tense of a very includes every other tense.

TITLE II

STATE, COUNTY AND CITY CONTROL BOARDS.

SECTION 3. STATE ALCOHOLIC BEVERAGE BOARD.

There is hereby created the Kentucky Alcoholic Beverage Control Board, which shall be a division of the Department of Revenue. Said Board shall be composed of three members. Each member shall be an elector of the State, a free-holder and not less than thirty years of age.

SECTION 4. MEMBERS OF THE BOARD: TERM OF OFFICE.

The term of each member of the State Alcoholic Beverage Board shall begin upon this Act becoming a law, and each member shall be appointed and serve for his respective term and until his successor is appointed and qualified. The Governor shall appoint one member to serve a term of two years, one member to serve for a term of three years, and one mem-

ber to be Chairman who shall serve for a term of four years; thereafter, upon the expiration of the term of each member, a successor shall be appointed by the Governor for a full term of four years from the expiration of the term of his predecessor. Vacancies in the membership of the State Alcoholic Beverage Board and Chairmanship, shall be filled by appointment by the Governor for the remainder of the unexpired term, but no vacancy shall impair the rights of the remaining members to exercise all the power of the Board, nor relieve such members from discharging all the duties of the Board during such vacancies. The members shall be eligible for reappointment.

SECTION 5. DISQUALIFICATION OF MEMBERS AND EMPLOYEES OF THE BOARD; PENALTIES.

No Chairman or other member of the State Alcoholic Beverage Board or any employee thereof, shall have any interest either proprietary, or by means of any loan, mortgage or lien or in any other manner in or on any premises or business where alcoholic beverages are manufactured, stored or sold. Nor shall he receive any commission or profit whatsoever, direct or indirect from any person applying for or receiving any license or permit provided for in this Act; provided, however, that no person shall be disqualified under this section solely by reason of any interest arising out of his membership in a Club as defined in this Act. If any person, after an opportunity to be heard by the Board, shall be found to have violated any of the provisions of this section, his office or position shall thereupon automatically become vacant, and upon conviction by a court of competent jurisdiction, he shall be deemed guilty of a felony and punished by a fine of not to exceed five thousand dollars or by imprisonment for a term not to exceed two years, or by both such fine and imprisonment; and if a member of the Board shall be disqualified or shall fail to give bond and take the oath required by this Act,

the Governor shall fill the vacancy by appointment for the unexpired term.

SECTION 6. OATH OF OFFICE AND BOND.

Each member of the Board, before entering upon his duties, shall take the oath prescribed in Section 228 of the Constitution, and shall execute a bond with a good and solvent corporate surety qualified to do business in the State of Kentucky, in the penal sum of five thousand dollars faithfully to perform the duties of his office, pursuant to the provisions of Sections 3751 et sequitor of the Kentucky Statutes. The Board may require any of its employees to execute a similar bond in such penal sum as it may deem necessary, conditioned upon proper and faithful performance of their duties and the satisfactory accounting for all monies received or disbursed by such employees. The expense of procuring such bonds shall be paid from the appropriation for the Board made herein.

SECTION 7. ENTIRE ATTENTION TO DUTIES.

Each member and employee of the State Alcoholic Beverage Board shall devote his entire time to the duties of his office and shall not hold any position of trust or profit or engage in any other occupation or business, to which, he is required to devote his personal attention, or serve on any committee of any political party during his incumbency of the office.

The Chairman or any employee of the Board who shall engage in political activity, or who shall in any manner solicit, demand, coerce or attempt to coerce, the contribution of money or any other thing of value from any person for election purposes, or who shall influence or attempt to influence any legislation through the instrumentality of his office or position, except as otherwise provided in this Act, shall be removed from his office or position by the Governor if the guilty party be a member of the Board, or by the Board if an employee. Any person wilfully violating the provisions of this section,

upon conviction, shall be deemed guilty of a misdemeanor and shall be fined in any sum not less than one hundred (\$100.00) dollars nor more than one thousand (\$1,000.00) dollars for each offense.

SECTION 8. SALARIES OF CHAIRMAN AND MEMBERS OF THE BOARD.

(a) The Chairman of the State Alcoholic Beverage Board shall receive a salary of four thousand five hundred (\$4,500.00) dollars per annum, payable monthly, as other state salaries are paid.

(b) The members of the Board, other than the Chairman, shall each receive a salary of four thousand \$4,000.00 dollars per annum, payable monthly, as other state salaries are paid.

SECTION 9. EMPLOYEES OF THE BOARD.

The State Alcoholic Beverage Board, subject to the provisions of Section 4618-90 (Reorganization Bill) of Carroll's Kentucky Statutes, 1936 Edition, may appoint and remove such employees and assistants as may be necessary and shall fix their compensation within the appropriation therefor.

SECTION 10. TRAVELING EXPENSES.

The members of the Board and the employees thereof, shall be entitled to receive from the state their actual necessary expenses when traveling on business of the Board. Such expenses shall be submitted, audited and paid in the manner now provided by law.

SECTION 11. QUORUM.

The Chairman and one other member of the Board shall constitute a quorum to transact business and any vacancy shall not impair the right of the remaining members to exercise all powers of the Board. The member who has served the longest period of time shall act as Chairman, in event of a

vacancy in said office, until the vacancy shall be filled by appointment. Said Acting Chairman shall be entitled to receive the compensation provided for the Chairman during the period that he shall act as such.

SECTION 12. SEAL.

The Board shall have an official seal with such design as the Board may prescribe, engraved thereon, by which it shall authenticate its orders and proceedings.

SECTION 13. OFFICE AND EQUIPMENT.

The Department of Finance and Division of Purchases and Public Properties shall assign to the Board suitable quarters in the Capitol Building or elsewhere within the City of Frankfort and shall provide the necessary office furniture, equipment and supplies in accordance with Section 6618-89 of Carroll's Statutes, 1936 Edition.

SECTION 14. REGULAR AND SPECIAL MEETINGS.

The Board shall be in session at least once each week at such time or times as the Board shall fix for regular meetings. The Chairman of the Board shall have authority to call special meetings. The Board shall keep a record of its proceedings, which shall be a public record. The Board may hold sessions at any place within the State. The Board may exercise its power and authority and transact all business which it is authorized to perform at any regular or special meeting at which a quorum is present.

SECTION 15. AFFIRMATIVE VOTE OF A MAJORITY OF BOARD REQUIRED FOR OFFICIAL ACTS.

No order or judgment shall be made or entered, and no rule or regulation shall be adopted or promulgated, unless two members shall affirmatively approve thereof at a regular or special meeting.

SECTION 16. FUNCTIONS AND DUTIES OF THE BOARD.

The State Alcoholic Beverage Board has the following functions, powers and duties:

(a) To grant, refuse, suspend and revoke, after a hearing if same be demanded, any license provided for herein.

(b) To adopt regulations governing the conduct of its business and its meetings.

(c) To adopt reasonable regulations relating to the manufacture, sale, distribution, transportation, storage and advertising of alcoholic beverages, the form of applications for licenses and the procedure relating to the filing, granting, refusing, suspending and revoking of licenses issued hereunder; provided, however, no rule or regulation shall be adopted which is inconsistent with the terms of this Act.

(d) To supervise the manufacture, sale, transportation, distribution, storage, and advertising of alcoholic beverages.

(e) To limit in its sound discretion the number of licenses of each kind or class to be issued in this Commonwealth or within any political subdivision thereof and to restrict the location of licensed premises; and to that end, the said Board shall not issue or authorize the issuance of licenses to Special Wholesalers within the border of any county in a number in excess of the license permits issued to Wholesalers in such county, by the Division of Alcoholic Control, of the Department of Business Regulation, for the fiscal years of 1937-1938; provided, however, no licensee under Section 22 shall be refused Transportation Licenses for his motor vehicles and no Manufacturer, Distiller, Rectifier, Vintner, Wholesaler or Retailer, holding a license or permit to conduct either of said businesses during the fiscal year of 1937-1938, shall be deprived by this sub-section of the right to renew his license within the same city or county, as provided in Section 53.

(f) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, examine any person under oath,

and in connection therewith require the production of any books or papers relative to the inquiry, regardless of whether said witnesses are licensees. The provisions of the Civil Code of Practice, shall, where applicable, apply to subpoenas issued pursuant to this sub-section, but such subpoenas shall be effective throughout the Commonwealth, and shall be enforceable by petition to a court of competent jurisdiction. The Board is hereby authorized to pay witnesses the per diems and mileage provided in Section 1734 of Carroll's Kentucky Statutes, 1936 Edition, for witnesses in Circuit Courts.

(g) To exercise any and all other power and authority ganted to it under this Act.

(h) In its discretion, to grant, and require continuances of hearings and amendments to orders to show cause.

SECTION 17. REPORTS TO THE GOVERNOR AND LEGISLATURE.

The Board shall make an annual report to the Governor, as of the thirtieth day of June of each year and shall make a report to the Legislature at each regular session thereof. Said report shall contain a complete statement of all licenses issued, all controverted proceedings before the Board and the recommendations of the Board for changes in the existing law. The Governor may require additional reports from time to time.

SECTION 18. LEGAL COUNSEL FOR THE BOARD.

The Attorney General for this Commonwealth shall, at the request of the Board, appoint an additional Assisting Attorney General, whose duty shall be to act as legal counsel for the Board; provided, however, such Assistant Attorney General shall not be assigned to or perform any functions as counsel for the Department of Revenue in the enforcement of this Act, except as counsel for the Board. The Assistant Attorney General appointed under this section shall be paid from the appropriation for the Board, an annual salary not to exceed four thousand (\$4,000.00) dollars.

SECTION 19. COUNTY ALCOHOLIC BEVERAGE BOARD AND MEMBERS THEREOF.

(a) Each County in which traffic in alcoholic beverages is permitted, under Sections 2554C-1 to 2554C-42 of Carroll's Kentucky Statute, 1936 Edition, there is hereby created a County Alcoholic Beverage Board. Said Board shall be composed of the Sheriff, who shall be Chairman, the County Judge and Clerk of the County Court.

(b) No officers shall be qualified to serve upon this Board if the provisions of section 5 would disqualify such person as a member of the State Alcoholic Beverage Board. If any such officer shall be disqualified to act, the Judge of the Circuit Court of such County shall appoint to such position some person at least thirty years of age, who, at the time of such appointment shall have been a citizen of the Commonwealth and a resident of the County for at least two years next preceding the date of appointment. Such appointee shall serve the unexpired portion of the term. All of said members shall serve without compensation, except as otherwise provided herein. The County Fiscal Court shall provide all necessary supplies and stationery for the proper functioning of the Board.

SECTION 20. FUNCTIONS AND DUTIES OF COUNTY BOARD.

The Functions, powers and duties of the County Alcoholic Beverage Board shall be as follows:

1. To recommend approval or disapproval of applications for licenses, of applicants who desire to do business without the corporate limits of any city having no City Alcoholic Beverage Board.

2. To promulgate rules and regulations governing the sale of the alcoholic beverages by retailers whose places of business are without the corporate limits of any city, not inconsistent with the licenses issued to such retailers, the regulation of the State Board or the provisions of this Act. No

rule or regulation of such County Beverage Board shall become effective unless and until the same shall be approved by the State Beverage Board. Thereafter such rule and regulations shall be deemed and considered a regulation of the State Beverage Board applicable to all retail licensees in said County, whose places of business are without the corporate limits of any city.

3. To make special recommendations of approval and disapproval, as to the granting or refusing of any license to sell alcoholic beverages at any roadhouse, drinking place, tourist camp or place of public entertainment at which people assemble to dance, bathe, or engage in any game or entertainment for profit or amusement, located without the corporate limits of any incorporated city or located within the corporate limits of any city of the fifth or sixth class, which has no City Alcoholic Beverage Board. The effect of such recommendation is hereinafter provided.

4. To recommend suspension and revocation of licenses.

SECTION 21. CITY ALCOHOLIC BEVERAGE BOARD AND CITY CONTROL.

A. The municipal legislative body of any city in which traffic in alcoholic beverage is permitted under Sections 2554C-1 to 2554C-42 of Carroll's Kentucky Statutes, 1936 Edition, may, by ordinance duly enacted, create a City Alcoholic Beverage Board.

The Mayor or chief magistrate of such city shall appoint three persons as members of the Board. Each member shall serve for a term of two years and vacancies shall be filled by the Mayor. Each member shall have the same qualifications as members of the State Alcoholic Beverage Board and shall serve without compensation. Said Board shall have the power to:

(1) Recommend approval or disapproval of all applications for licenses for business to be conducted within the corporate limits of said city.

(2) Recommend the suspension or revocation of licenses.

B. Any incorporated city may by ordinance duly adopted, regulate the retail sale of alcoholic beverages as follows:

(1) Provide regulations for the conduct of retail licensees, businesses and their premises, not inconsistent with this Act or with any regulations of the State Board.

(2) To enact zoning ordinances restricting the locations where retail licensees may be permitted to conduct their businesses, and no person shall be granted a license to conduct such business in a prohibited section; provided, however, no ordinance shall be passed which shall totally prohibit the sale of alcoholic beverages within the corporate limits of any city, or which shall prohibit retail sale in the business section of any city located in any county where the sale of alcoholic beverages is permitted by law.

TITLE III

License Taxes.

SECTION 22. STATE LICENSE TAXES FOR DISTILLERS, RECTIFIERS, VINTNERS, WHOLESALERS: EXPIRATION DATE OF LICENSES.

All licenses issued under this Act shall expire on June 30th of each year. On and after the effective date of this law, except as otherwise provided in this Act, there shall be issued the following classes of licenses only, each of which shall be printed so as to be readily distinguishable from each other, to-wit:

(1) Distiller's licenses:

a. Distillers operating distilleries with a daily capacity of barrels, the fee for which shall be One Thousand (\$1,000.00) Dollars.

b. Distillers operating distilleries with a daily capacity of barrels, the fee for which shall be Two Thousand (\$2,000.00) Dollars.

c. Distillers operating distilleries with a daily capacity of barrels, the fee for which shall be Three Thousand (\$3,000.00) Dollars.

(2) Rectifiers' licenses, the fee for which shall be One Thousand Five Hundred (\$1,500.00) Dollars per annum.

(3) Vintners' licenses, the fee for which shall be Five Hundred (\$500.00) Dollars per annum.

(4) License to sell distilled spirits and wine at wholesale, the fee for which shall be One Thousand Two Hundred and Fifty (\$1,250.00) Dollars per annum.

(5) Special Wholesalers' Licenses, the fee for which shall be One Thousand Two Hundred and Fifty (\$1,250.00) Dollars per annum, unless the applicant shall hold a license under sub-section 4 of this Section, and in that event the fee shall be Two Hundred and Fifty (\$250.00) Dollars per annum.

Incorporated Cities, in the manner provided in Section 23 of this Act, on and after July 1, 1938, may impose a City license tax upon the conduct of businesses licensed by this Section, not to exceed one-third ($1/3$) of the amount heretofore set forth for State licenses. The payment of such City license shall be credited upon the amount due for a State license, and said State license shall be reduced to the extent of the amount paid for such City license.

SECTION 23. STATE LICENSES: RETAILER; EXPIRATION DATE.

All licenses issued under this Section shall expire on June 30th of each year. On and after the effective date of this Act, except as otherwise provided in this Act, there shall be issued the following classes of licenses only, each of which shall be printed so as to be readily distinguishable from each other, to-wit:

(1) License to sell distilled spirits and wine at retail by the package for consumption off the premises, the fee for which according to the location of the dispensary, shall be as follows:

In counties containing cities of the first class—\$500.00
(Five Hundred Dollars.)

In counties containing cities of the second class—\$400.00
(Four Hundred Dollars.)

In counties containing cities of the third class—\$300.00
(Three Hundred Dollars.)

In counties containing cities of the fourth class—\$200.00
(Two Hundred Dollars.)

In all other counties—\$100.00 (One Hundred Dollars.)

(2) License to sell distilled spirits and wine at retail by the glass, for consumption on the premises, the fee for which, according to the location of the dispensary, shall be as follows:

In counties containing cities of the first class—\$700.00
(Seven Hundred Dollars)

In counties containing cities of the second class—\$600.00
(Six Hundred Dollars)

In counties containing cities of the third class—\$500.00
(Five Hundred Dollars)

In counties containing cities of the fourth class—\$400.00
(Four Hundred Dollars).

In all other counties \$300.00 (Three Hundred Dollars).

SECTION 24. SPECIAL LICENSES.

All licenses issued under this Section shall expire on June 30th of each year except as otherwise provided in this Act. On or after the effective date of this Act, except as otherwise provided herein there shall be issued the following classes of licenses only, each of which shall be printed so as to be readily distinguishable from each other, to-wit:

(1) Transportation Licenses, the fee for which shall be Ten (\$10.00) Dollars per annum.

(2) Licenses to operators of railroads or sleeping cars, the fee for which shall be Two Hundred and Fifty (\$250.00) Dollars per annum.

(3) Special Non-Beverage Alcohol Vendor's Licenses, the fee for which shall be Two (\$2.00) Dollars per annum.

(4) Special Industrial Alcohol Licenses, the fee for which shall be Two (\$2.00) Dollars per annum.

(6) Special Agents' or Solicitors' Licenses required under Section 82 of this Act, the fee for which shall be Ten (\$10.00) Dollars per annum.

(6½) Special Warehouse Licenses for United States Government Bonded Warehouses, the fee for which shall be the sum of \$50.00.

(7) Special Temporary License, the fee for which shall be the sum provided in Section 84.

(8) Special Privilege License, the fee for which shall be Two (\$2.00) Dollars per annum.

(9) Private Club License, the fee for which shall be One Hundred and Fifty (\$150.00) Dollars per annum.

SECTION 25. COUNTY LICENSES—TAXES FOR RETAILERS: PROVISIONS CONCERNING.

The Fiscal Court of each county in this Commonwealth in which traffic in alcoholic beverages is permitted under sections 2554C-1 to 2554C-42 of Carroll's Kentucky Statutes, 1936 Edition, shall hereafter have power and authority to impose and collect license fees or taxes for the privilege of engaging in this business licensed by the State under Section 23. It shall be the duty of the County Clerk immediately to notify the State Board of the amount of the taxes fixed. Only such licenses may be issued under this Section as correspond, in their provisions and the business authorized, to the licenses provided in Section 23 of this Act. The license fees or taxes imposed shall in no event exceed One-Half (1-2) the amount of the fees or taxes imposed in Sections 23 of this Act and any amount paid to any incorporated city within the county as a license tax, for the same privilege, for the same year may be credited against the county license tax. The licenses authorized by this section shall be issued and the taxes collected by the County Clerk who may charge a fee of fifty (\$00.50)

cents for his services for each license issued. The County Clerk shall report and pay to the County Treasurer at the end of each month, such taxes as he has collected. No license shall be issued without the approval of the State Alcoholic Beverage Board. The license shall be issued in such form as may be prescribed by the State Alcoholic Beverage Board.

SECTION 26. CITY LICENSES AND TAXES: PROVISIONS CONCERNING.

The City Council Board of Aldermen, or other municipal legislative body of each incorporated city in this Commonwealth, in which traffic in alcoholic beverages is permitted under Sections 2554c-1 to 2554c-42 of Carroll's Kentucky Statutes, 1936 Edition, shall hereafter have the power and authority by ordinance to impose and collect license fees or taxes as it shall deem proper for the privilege of conducting the business of selling alcoholic beverages at retail. It shall be the duty of the City Clerk, or officer authorized to issue city licenses to immediately notify the State Alcoholic Beverage Control Board of the amount of taxes fixed. Only such licenses may be issued under this Section, as correspond in their provisions and the business authorized, to the license provided for in Section 23. No license authorized by this Section shall be issued by Clerk or officer authorized to issue city licenses without the approval of the State Alcoholic Beverage Board. The licenses shall be issued in such form as may be prescribed by the State Alcoholic Beverage Board.

SECTION 26½A. FRACTIONAL LICENSES: ABATEMENT AND CREDIT.

All licenses issued under authority of any County Fiscal Court, or any City shall be effective from the 1st Day of July until Midnight of June 30th, of the succeeding year, if not revoked or suspended. Any person holding a City License issued prior to the date of this Act becoming effective, shall

surrender such license to the City Clerk on July 1, 1938, and shall be entitled to a credit upon any City License to be issued for the fiscal year of 1938-9 of 1/12 of the license tax paid for such license, for each calendar month after the month of June, 1938, during which he could have conducted his business under the surrendered license.

B. When any person shall apply for any state, county or city license, authorized to be issued under this Act, after July 1st, of any year, he shall be charged, if such license be granted, an amount equal to as many twelfths of the annual license tax as there are calendar months (including the month in which the license is granted) until the following July 1st, except that no license shall be issued for a shorter period than six months. No abatement of license taxes shall be permitted or granted to any person, who held a license of the same kind for the same premises in the preceeding license period and who was actually doing business under said license during the last month of the preceding license period.

SECTION 27. CREDIT ON STATE RETAIL LICENSES.

On Alcoholic beverage licenses issued by the State under Section 23, for any license period beginning on or after July 1, 1939, there shall be credited on the license tax One-Half ($\frac{1}{2}$) of any amount required to be paid to any county or to any incorporated city for the same privilege for the same year, provided the amount of the tax for the State License shall in no event be reduced more than fifty per cent.

Every applicant shall forward by P. O. Money Order or check, as provided in Section 29, for such sum only, as may be required to pay the State License fee, less the credits, if any, provided for in this section, but no State License shall be issued by the Board or Department of Revenue, unless applicant shall furnish evidence of payment of all required County and City Licenses.

SECTION 27½. PROHIBITION OF COUNTY OR CITY TAXES EXCEPT AS PROVIDED IN THIS ACT.

Except as provided in this title, no tax on the manufacture, distribution, transportation, storage, importation or sale of Distilled Spirits and Wine, shall be imposed upon licensees under this Title, by any county or municipality, by way of license, excise, or otherwise, anything in a municipal charter, general or special law, to the contrary notwithstanding.

TITLE IV.

APPLICATION FOR LICENSES: PROCEDURE: QUALIFICATION OF APPLICANTS: REVOCATION AND SUSPENSION: JUDICIAL REVIEW.

SECTION 28. UNLAWFUL TO DO BUSINESS WITHOUT A LICENSE.

No person shall engage in business for which licenses are required under this Act, unless such person shall have first obtained a license therefor under this Act.

SECTION 29. APPLICATION FOR LICENSES.

Any person may apply to the State Alcoholic Beverage Board for a license as provided in this law. Such application shall be in quadruplicate, verified, and upon forms prescribed by the State Alcoholic Beverage Board. Such application shall set forth in detail all information concerning the applicant and the premises for which the license is sought, as the Board shall require. Said application shall be accompanied by a certified check, or a postal money order for the amount required by this Act for such State license fee. All checks or postal money orders shall be made payable to the Department of Revenue, and shall, within twenty-four hours after receipt by the Board, be delivered to the said Department.

SECTION 30. SWORN INFORMATION TO BE CONTAINED IN APPLICATION, REVOCATION FOR FALSE STATEMENT.

In addition to such other information as the Alcoholic Beverage Board may, by its rules and regulations require, every application for a license under this Act, shall contain the following information, given under oath:

(1) The name, age, address and resident of each applicant, and if there be more than one, and they be partners, the partnership name and address, and the names, ages and addresses of the several persons so applying, and the facts as to his or their citizenship.

(2) The name and address of each person interested or to become interested in the business for which the license is sought, together with the nature of such interest; and if such applicant be a corporation, the names, addresses and ages of each officer, and director and the facts as to their citizenship, and the State under the laws of which such corporate applicant is incorporated. The Board may require the names of all the stockholders.

(3) The premises to be licensed, stating the street and number, if the premises have a street number, and otherwise such apt description as will reasonably indicate the location thereof. The applicant shall also state the nature of his interest in the premises and the name, age and address of any other person, either as principal or associate, interested with the applicant either in the premises or in the business to be licensed, and the facts as to his or their citizenship.

(4) The application shall disclose that the applicant is not ineligible to receive a license by reason of the provisions of Section 33 of this Act, and if the applicant is a co-partnership, the application shall disclose that no member of said co-partnership is ineligible to receive a license under the provisions of Section 33. If the applicant is a corporation, the application shall disclose that no officer, director, or prin-

cial stockholder is ineligible to receive a license under the provisions of Section 33.

(5) A statement that the applicant will, in all respects and in good faith, conscientiously abide by all the provisions of This Act, all laws of this State relating to alcoholic beverages, rules and regulations of the State Alcoholic Beverage Board or any County Alcoholic Beverage Board in force in the location at which the applicant seeks to do business.

(6) A statement, if the application is for a retail license, as to whether or not the place sought to be licensed is a Roadhouse, Tourist Camp or place of public entertainment, at which people assemble to dance, bathe or engage in any game or entertainment for profit or amusement.

(7) If there be any change after the granting of a license in any of the facts required to be set forth in such application, a supplemental statement in writing giving notice of such change, shall be made within ten days after such change. The failure so to do shall, if willful and deliberate, authorize the revocation of the license. In giving any notice, or taking any action in reference to a license, the State Alcoholic Beverage Board may rely upon the information furnished in the application or in the supplemental statement connected therewith, and such information, as against the licensee or applicant, shall be conclusively presumed to be correct. The information required to be furnished in such application or supplemental statement shall be deemed material in any prosecution for perjury;

(8) Any wilfully false statement contained in an application, shall be grounds for refusal to issue a license, or if such false statement is not discovered until after a license has been issued, such license may be revoked.

SECTION 31. INVESTIGATION FEE TO BE DEPOSITED BY APPLICANTS.

A. All applicants for licenses authorized under Sections

22 and 23, except as otherwise provided in Section 53 of this Act, shall forward with his application, a certified check or post office money order, payable to the Department of Revenue, in the following sum as an Investigating Fee, to-wit:

(1) Applicant for Distillers' and Rectifiers' licenses, One Hundred (\$100.00) Dollars.

(2) Applicant for Wholesalers' and Retailers' licenses, Fifty (\$50.00) Dollars.

The sums collected under this section shall be used by the Commissioner of Revenue in the investigation of the character and qualification of applicants, and the enforcement of this Act.

B. No investigating fee shall be returned to any applicant regardless of the action of the State Alcoholic Beverage Board in granting or refusing said application.

SECTION 32. DEPOSIT AND REFUND OF TAXES.

Any remittance made to the Department of Revenue in payment of a license tax shall immediately be deposited in the State Treasury and credited to the General Expenditure Fund. In the event the payment was erroneously made, or that the State Alcoholic Beverage Board refuses to issue the license, the Department of Revenue, if, at the expiration of ten (10) days, no appeal has been filed under Section 63 of this Act, shall authorize the refund of the amount paid or the amount erroneously paid. An amount sufficient to cover all refunds above referred to is hereby appropriated for each fiscal year hereafter, to be paid out of the General Expenditure Fund in the same manner that other obligations of the Commonwealth are paid. No further appropriation shall be required to authorize the refunds above referred to, and same shall be made whether the payments were voluntary or involuntary, or were made under protest or not.

SECTION 33. QUALIFICATIONS NECESSARY FOR INDIVIDUAL APPLICANTS.

No person shall become a licensee under this Act who:

1. Has been convicted of a felony within five years prior to the date of his application or who has been convicted of any misdemeanor relating to the manufacture, sale, or taxation of alcoholic beverages within three (3) years prior to the date of his application.

2. Is under the age of twenty-one years.

3. Is not a citizen of the United States.

4. Has had any license issued under this Act, or any other license issued under the laws of this State regulating the manufacture, sale or transportation of alcoholic beverages, revoked for any cause, within two years prior to the date of the application, or who has been convicted of a violation of any provision of this Act, or of any other law of this State relating to the manufacture, sale or taxation of alcoholic beverages within two years prior to the date of application.

SECTION 34. QUALIFICATIONS NECESSARY FOR CORPORATE AND CO-PARTNERSHIP APPLICANTS.

A license shall not be issued to any co-partnership having a member or a corporation having an officer, director, or principal stockholder, who is ineligible to receive a license as an individual, by reason of any of the provisions of Section 33.

SECTION 35. INCONSISTENT LICENSES NOT TO BE HELD.

Each license provided for herein shall be considered inconsistent each with every other, and any person holding a license of one kind, shall be ineligible to apply and is hereby prohibited from holding a license of another kind; except nothing in this Section shall be construed to prevent any person from holding a Retail Drink License, a Retail Package License and a Special Privilege License, or either of them.

or prevent the holder of a Retail Package License from holding a Special Non-Industrial Alcohol License and a Special Industrial Alcohol License; or prevent any Licensee under this Act, except a Retailer, from holding a Transportation License; or, to prevent the holder of a Wholesaler's License from holding a Special Wholesaler's License and a Special Non-Beverage Alcohol Vendor's License; and further provided that any Wholesale Drug Company, also licensed as a Wholesaler hereunder may, with the approval of the Board, be granted a license for a Special Non-Beverage Alcohol Vendor's License, a Special Industrial Alcohol License and a Special Non-Industrial Alcohol License. This section shall not prevent any person from holding two or more licenses of the same kind and shall not prevent any licensee from holding a license for the sale and distribution of malt beverages, which shall correspond to the class of business conducted by the licensee under his license authorizing the sale of Distilled Spirits and Wine.

SECTION 36. CORPORATE ENTITY DISREGARDED.

In all cases in which the provisions of this Act prohibit the holder of one kind of license from applying for or holding any other kind of license, an applicant shall not be permitted to evade the prohibition against applying for or holding licenses of two kinds, by applying for a second license under the cloak of a separate corporate entity. The Board is hereby authorized to examine into the ownership and management of corporations which apply for licenses or which hold licenses, and shall deny the application for a license of any party substantially interested in another incompatible license. This shall not prohibit a Wholesaler from owning stock in any corporation licensed as a Distiller or Rectifier.

SECTION 37. NOTICE OF INTENTION TO APPLY FOR LICENSE.

Every person before applying for any license under Sec-

tion 22 and 23 of this Act, except as otherwise provided in this Act, shall advertise his intention so to apply, by inserting in a newspaper of general circulation in the County in which are located the premises for which the license is sought, (if there be no such nwespaper in the County, then in the closest adjacent City which has such a newspaper), at least once a week for two consecutive weeks next before such application is filed, a concise advertisement stating the name and address of the applicant, if he be an individual; the names and addresses of the members of the partnership, if the applicant be a partnership, as well as the names of the business and its address, or, if the applicant be a corporation, the names and addresses of the principal officers and directors of the corporation, as well as the name and address of the corporation itself; the location of the premises for which the license is sought, and the type of license to be applied for. The applicant shall attach to the application, a newspaper clipping of such advertisement and a proof of such publication, substantially in the following form, to-wit:

“State of Kentucky,
County of33:
..... of, being first duly sworn,
says that he is of the publisher of the
....., a newspaper printed and published in the
State of, County of,
and having a general circulation in the County of.....,
and that the advertisement of which the annexed is a true
copy has been published in said newspaper on the following
dates, viz.:

.....
.....
Notary Public.....
County”

SECTION 38. BOND OF APPLICANTS.

Within twenty (20) days after the State Alcoholic Bev-

erage Board shall notify the applicant that his license will be granted, said applicant, if required by this Section, shall file with the Commissioner of Revenue of the Commonwealth of Kentucky, a bond in a form acceptable to the said Commissioner. Said bond shall be executed by the licensee and two good and sufficient sureties, owning, within the State, unencumbered real estate of a value equal to the amount of the bond, exclusive of any exemption allowed to them by law, or said bond may be executed by one Corporate Surety Company, qualified to do business in the Commonwealth, in lieu of two personal sureties. The said bond shall be payable to the Commonwealth of Kentucky and shall be conditioned that such applicant will pay all taxes which shall accrue during the time that the license shall be in effect, together with all costs, taxed or allowed, in any proceeding brought or instituted for the collection of such taxes. The amount of the bond shall be fixed by the Commissioner in a sum not to exceed the following:

- | | |
|-----------------|---------|
| (1) Distillers, | Dollars |
| (2) Rectifiers, | Dollars |
| (3) Vintners, | Dollars |

(4) Wholesalers or Special Wholesalers, Five Thousand (\$5,000.00) Dollars. (If a person shall hold both licenses, the bond shall not exceed Five Thousand (\$5,000.00) Dollars.

Every Retailer shall furnish a bond, at the time and in the manner above set forth in this Section, in such sum as the Commissioner of Revenue shall require, not to exceed Two Thousand (\$2,000.00) Dollars, and such bond shall contain conditions in addition to those heretofore set forth, that such applicant will not suffer or permit any violations of the provisions of this Act, or the Rules and Regulations of the State Alcoholic Beverage Board.

Any suit to recover on any of such bonds shall be brought in the Circuit Court, of the County in which the licensed premises are located, in the name of the Commonwealth of Ken-

tucky by the Commissioner of Revenue. No license shall be issued by the State Alcoholic Beverage Board until said bond shall be filed and approved. In event said bond shall not be filed within the time allowed, the State Alcoholic Beverage Board may withdraw its approval of the application and deny same.

SECTION 39. FORM OF LICENSES.

A. All licenses issued under this Act shall be in such form as may be prescribed by the rules and regulations of the Alcoholic Beverage Board, not inconsistent with the provisions of this Act, and they shall contain:

(1) Name and address of the person to whom the license is issued.

(2) The number of the license.

(3) The type of the license.

(4) A description by street and number, or otherwise, of the licensed premises.

(5) The name and address of the owner of the building in which the licensed premises are located.

(6) The expiration date of such license.

(7) A statement in substance, that such license shall not be, or be deemed, a property or vested right, and that it may be revoked at any time, pursuant to law.

B. Any license issued under the provisions of Section 47 shall contain provisions in accordance with said section.

C. All licenses issued shall be signed by the Chairman of the State Alcoholic Beverage Board and the Commissioner of Revenue, and any license not signed by both of such officers shall be void.

D. It shall be unlawful for the Chairman of the State Alcoholic Beverage Board to sign any license for any applicant whose license has not been authorized as provided herein.

E. It shall be unlawful for the Commissioner of Revenue to sign any license unless the proper license fee has been paid therefor.

SECTION 40. LICENSE TO BE DISPLAYED AT PLACE OF BUSINESS; UNLAWFUL TO MUTILATE OR ALTER.

Any license issued hereunder, shall be conspicuously displayed in the place of the licensees at all times, and it shall be unlawful to post, cause, or permit to be posted, said license upon any premises other than the licensed premises of the licensee, or to knowingly deface, or alter any such license or to destroy the same before the expiration thereof. Upon satisfactory proof of loss or destruction of said license, and upon the payment of Five (5.00) Dollars, to the Commissioner of Revenue, a duplicate shall be issued in lieu thereof, by the State Alcoholic Beverage Board and Commissioner of Revenue.

SECTION 41. PROCEDURE IN FILING AND CONSIDERING APPLICATION.

A. Immediately upon the filing of the application, the State Board shall mail by Registered Mail, one copy to the Commissioner of Revenue, two copies to the County Alcoholic Beverage Board of the County where the licensee desires to do business, if said place of business sought to be licensed, is without the corporate limits of any City, or if the place of business shall be within the corporate limits of a City having no City Alcoholic Beverage Board. If an applicant shall apply to do business in the corporate limits of any City having a City Alcoholic Beverage Board, one copy of the application shall be mailed to the Commissioner of Revenue, two copies to the City Alcoholic Beverage Board, and no copy shall be forwarded to the County Alcoholic Beverage Board.

B. Any County or City Alcoholic Beverage Board receiving copies of such applications shall, within ten days endorse its approval or disapproval upon one of the copies of said application and forward the same to the Commissioner of Revenue. In even said Local Control Board shall disapprove any application, such disapproval shall be accompanied by a

specific statement of the grounds and facts upon which the disapproval is based. Said Board shall retain one copy of said application together with a true copy of the endorsement made upon the copy forwarded to the Commissioner of Revenue.

C. In event said Local Control Board shall fail to approve or disapprove any application within twenty days after the mailing of said applications to said Board, the said Board shall be deemed to have approved said application.

D. The Commissioner of Revenue shall, within twenty days after mailing of said application to Commissioner by the State Alcoholic Beverage Board, investigate the character and qualifications of the applicant and in event said Commissioner shall determine that the applicant is qualified, he shall file within such time a statement to that effect with said Board.

E. The Commissioner of Revenue shall attach to any statement of approval or disapproval of any application, the application, endorsement, and statement of objections, if any, forwarded to such Commissioner by any Local Control Board.

F. In event the Commissioner of Revenue or Local Control Board shall object to the granting of said application, the State Alcoholic Beverage Board shall issue to the applicant, an order to show cause why said application should not be refused. The Commissioner shall accompany his objections with a specific statement of the grounds and facts upon which the objections are based and such statement shall be in issuable form.

G. In event any order to show cause shall be issued by said Board, said order shall contain a specific statement of the grounds and facts upon which the objections are based and such statement shall be in issuable form and may be amended upon application of either party, in the discretion of the Board, to include additional grounds or more specific particulars of each of said grounds; provided, however, if additional grounds are included therein, the Board shall permit an adequate time to the applicant to prepare to refute said grounds.

H. If the applicant shall fail to request a hearing in writing, within ten days after the mailing of said order, the license shall be refused. In event the applicant shall request a hearing within such time, the Board shall set a date not more than twenty days after the receipt by the Board of said request for hearing, and the Board at the time and place designated, shall proceed to hear and determine said cause, and enter a final order therein as hereinafter provided. The applicant shall be given notice of the time and place of said hearing at least five (5) days prior thereto by Registered Mail.

SECTION 42. HEARINGS UPON ORDERS TO SHOW CAUSE WHY LICENSE SHOULD NOT BE REFUSED.

At all hearings, held at the request of an applicant for license, who has been served with an order to show cause why said license should not be refused, the burden of satisfying the Board that such applicant is entitled to such license shall be upon the applicant.

All procedure before the Board, including the introduction and admisability of evidence, as far as applicable, shall be governed by the provisions of this Act relating to the procedure for revocation of licenses.

SECTION 43. EFFECT OF JUDGMENTS IN ALL CASES WHEREIN A HEARING IS HAD UPON ANY ORDER TO SHOW CAUSE.

No license, after a hearing, shall be granted to any applicant until ten days after the entry of an order of the Board granting same. If, within said period of ten (10) days, an appeal from said order has been filed as provided by this Section, then such order shall not become effective until said appeal shall have been finally determined.

SECTION 44. APPLICATIONS FOR LICENSES FOR PLACES OF AMUSEMENT: PROCEDURE.

A. In event any applicant shall apply for a license to

sell alcoholic beverages at retail at any Roadhouse, Tourist Camp or any place of public entertainment at which people assemble to dance, bathe, or engage in any game or entertainment for profit or amusement, located without the corporate limits of any city, or within the corporate limits of any city of the Fifth or Sixth class having no City Alcoholic Beverage Board, the County Alcoholic Beverage Board shall be required to make special recommendations relating to said applicant.

B. It is the mandatory duty of the County Alcoholic Beverage Board to file approval or objection to the granting of such license with the Commissioner of Revenue within ten days after the mailing of said application by the State Alcoholic Beverage Board. In event the County Alcoholic Beverage Board shall disapprove or object to the granting of any application, such objections shall be accompanied by a specific statement of the grounds and facts upon which the disapproval is based. In the event any County Alcoholic Beverage Board shall fail to file approval of, or objection to, the granting of such license within such time, the Commissioner of Revenue shall forthwith make a special investigation of said applicant, and shall within ten (10) days thereafter file his approval or disapproval of said application with the Board.

C. In event the County Alcoholic Beverage Board and the Commissioner of Revenue shall file approval of said application with the State Alcoholic Beverage Board, the said Board shall grant a license to said applicant. In event the County Alcoholic Beverage Board shall fail to file approval or disapproval of said application as herein provided and the said Commissioner of Revenue, after making said special investigation, shall approve the granting of such license, the State Alcoholic Beverage Board shall issue such license.

D. In event the Commissioner of Revenue shall disapprove or object to the granting of any application, such objection shall be accompanied by specific statement of the grounds and facts upon which the disapproval is based. The

Commissioner of Revenue, within twenty (20) days after the mailing of said application by the State Alcoholic Beverage Board to said Commissioner, shall file his approval or disapproval of any application, together with all papers, proceedings, approval or objections, if any, received by him from the County Alcoholic Beverage Board. If either the Commissioner of Revenue or the County Alcoholic Beverage Board object to the granting of such license, said Board shall issue to applicant an order to show cause why said application should not be refused. If the applicant shall fail to request a hearing in writing, within ten days after the mailing of said order, the license shall be refused.

SECTION 45. HEARING UPON APPLICATION AND OBJECTIONS.

In event the applicant shall request a hearing within the time allowed, the Board shall cause a hearing to be held not more than twenty (20) days after the receipt by said Board of said request for hearing, and the Board at the time and place designated, shall proceed to hear and determine said cause. The applicant shall be given notice of the time and place of said hearing, at least five (5) days prior thereto by Registered Mail.

SECTION 46. BURDEN OF PROOF ON APPLICANT.

At said hearing the burden shall be upon the applicant to establish to the satisfaction of the Board that the licensing of the place of business of the applicant will not be detrimental or contrary to the best interests of the community. Unless the applicant sustains the burden of proof imposed upon him in this section, the license shall be refused. If the applicant satisfies the Board that said business will not be detrimental or contrary to the best interests of the community, it shall thereupon grant to the applicant a conditional license as provided in Section 47.

SECTION 47. CONDITIONAL LICENSES.

Every conditional license shall contain, in addition to other provisions of a Retail license, the following provisions:

(1) That the licensee shall at all times maintain order and that no violations of law shall be permitted or suffered on said licensed premises.

(2) Said licensee shall pay to the Department of Revenue in advance, or at such other times as the Department of Revenue may fix, all sums of money necessary for the special policing of said premises; that said licensee shall comply with all general regulations of the State Alcoholic Beverage Board and all special regulations of the State Alcoholic Beverage Board in reference to the particular place of business of the licensee and applicable regulations of the County Alcoholic Beverage Board.

(3) That licensee shall maintain in force a bond acceptable to the Commissioner of Revenue, and payable to the Commonwealth of Kentucky, in such sum as shall be fixed by the State Alcoholic Beverage Board, not to exceed Five Thousand (\$5,000.00) Dollars with two qualified personal sureties thereon, or one Corporate Surety Company, qualified to do business in the Commonwealth, conditioned to pay all sums of money required by the Department of Revenue, for the special policing of said premises, as may be required by the State Alcoholic Board, and further conditioned upon compliance with all laws and special and general rules and regulations of the State Alcoholic Beverage Board. Any suit to recover on such bond shall be brought in the Circuit Court of the County in which the licensed premises are located in the name of the Commonwealth of Kentucky by the Department of Revenue and State Alcoholic Beverage Board, or either of them

B. Conditional licensees shall be required to pay the same license taxes as other licensees of the same class or kind.

SECTION 48. SPECIAL RESTRICTIONS AND REGULATIONS OF CONDITIONAL LICENSEES.

A. The State Alcoholic Beverage Board is authorized and empowered to adopt special rules and regulations relating to the conduct of the business of any conditional licensee, and may restrict the hours during which alcoholic beverages may be sold and may require Special Enforcement Officers of the Department of Revenue, to be present at the premises of any such licensee at any time which the Board shall deem necessary for the preservation of public peace and the maintenance of order.

SECTION 49. SPECIAL ENFORCEMENT OFFICERS: TERM: COMPENSATION AND DUTIES.

A. The Commissioner of Revenue is hereby authorized to appoint one or more Special Enforcement Officers in each County and to remove the same at will. Such officers shall be appointed for a term of one year, unless removed by said Commissioner. Such Special Enforcement Officers shall receive compensation in such sum as may be fixed by the Commissioner of Revenue, monthly, in the same manner as other State salaries are paid, but such officers shall be paid for such time as such officer shall be on active duty, only. Such Special Enforcement Officers shall be paid from the appropriation for the Department of Revenue made herein, or as may hereafter be provided by law, and the said Department shall collect from each conditional licensee, a sufficient sum to pay the compensation required to be paid by the Department for the services performed by such Special Enforcement Officer at the place of business of the conditional licensee.

B. Special Enforcement Officers shall have full police powers such as are now vested in Sheriffs and other peace officers, to be exercised within a radius of one mile of the place of any conditional licensee, at which said Special Enforcement Officer is required to be on active duty by the State Alcoholic Beverage Board. Such police powers shall be ex-

exercised only while such Special Enforcement Officer shall be on active duty pursuant to an order, rule, or regulation of the State Alcoholic Beverage Board. Such Special Enforcement Officer shall, before entering upon his duties, execute a bond with a good and solvent Corporate Surety Company, qualified to do business within the Commonwealth, or two personal sureties duly qualified to execute said bond, payable to the Commonwealth in the penal sum of Two Thousand (\$2,000.00) Dollars, faithfully to perform the duties of his office and further shall take the oath prescribed in Section 228 of the Constitution. Any suit to recover on such bond, shall be brought in the Circuit Court of Franklin County or of any County where said officer may reside, in the name of the Commonwealth of Kentucky by the State Alcoholic Beverage Board, the State Revenue Commission, or any party aggrieved.

SECTION 50. PROCEDURE FOR REVOCATION OF CONDITIONAL LICENSES.

The State Beverage Board, upon complaint of the Commissioner of Revenue, any Sheriff, Special Enforcement Officer or Local Control Board shall, and upon complaint of any private citizen setting forth facts showing a violation of the conditions of said license or of this Act or violation of any law in the licensed premises may, issue to such licensee holding a conditional license an order to show cause why said license should not be revoked and upon issuing said order to show cause, shall also issue an order suspending the license of the licensee pending the final determination of said proceeding. In event the licensee shall fail to request a hearing in writing within ten days after the mailing of such orders, the license of the licensee shall be revoked. In event a hearing shall be requested, the Board shall cause a hearing to be held not more than ten days after the receipt by the Board of said request for hearing, and said Board, at the time and place designated, shall proceed to hear and determine said

cause. The licensee shall be given notice of the time and place of said hearing, at least five days prior thereto by Registered Mail. The burden shall be upon the licensee to establish a full compliance with the terms and conditions of said conditional license, the provisions of this Act, and every law of the Commonwealth at the licensed premises; failing which, the Board shall suspend or revoke said license as it shall deem proper.

SECTION 51. RIGHT OF APPEAL.

Any applicant or licensee under the preceding sections 44 to 50 inclusive, shall have a right of appeal as provided in section 63 of this Act, from any order refusing, revoking or suspending a license, however, no licensee under Section 47 shall be permitted to conduct his business under any suspended or revoked license pending the determination of said appeal.

SECTION 52. NO APPLICATION TO SPECIAL TEMPORARY LICENSEES.

The provisions of Sections 44 to 51 inclusive, of this Act shall not apply to Special Temporary licensees under subsection 7 of section 24, or to Club Licensees.

SECTION 53. RENEWAL OF LICENSES OF EXISTING LICENSEES: EXCEPTION FROM COMPLIANCE WITH CERTAIN SECTIONS AND SUB-SECTIONS; EXCEPTIONS.

A. Any applicant who, during the preceding fiscal year was issued a license or permit, or both, by the Division of Alcohol Control of the Department of Business Regulations, to conduct the same class of business in the same City or County, as the case may be, or any applicant who, during the preceding fiscal year was issued a license or licenses, by the State Alcoholic Beverage Board, to conduct the same class of business, or businesses, in the same City or County, as the

case may be, shall be entitled upon the filing of the application provided for in section 30, and the payment of the required license tax, to have a license or licenses issued authorizing the conduct of the same class of business or businesses, within the same City or County as the case may be, for the succeeding fiscal year; and any person holding Wholesale License or Permit, or both, issued by the Division of Alcohol Control, Department of Business Regulations for the fiscal year 1937-1938 shall be entitled to a Wholesale License or Special Wholesale License, or both, at the election of the applicant, for the succeeding fiscal year and the provisions of Sections 31, 37, 41, and 44, and any sub-section thereof, shall not apply to any such applicant; provided, however, this section shall not be construed to exempt any applicant from the provisions of said enumerated sections or sub-sections or authorize the issuance of a license to any applicant who has not fully complied with the applicable sections thereof, who:

(1) has has such license for the preceding year revoked; or

(2) whose license was not in force and effect at the expiration of the fiscal year by reason of a suspension thereof; or

(3) to any applicant, to whom was issued prior to the expiration of his license for the preceding year, an order to show cause why said license or permit should not be suspended or revoked, if, at the time of filing such application, no final judgment has been entered by the Board in said proceeding; or

(4) to any applicant for a license to sell alcoholic beverages at retail, at any Roadhouse, Tourist Camp or any place of public entertainment at which people assemble to dance, bathe, or engage in any game or entertainment for profit or amusement at a place without the corporate limits of any City, or within the corporate limits of any city of the fifth or sixth class, having no City Alcoholic Beverage Board.

B. Applicants who are not entitled to renew their

licenses by reason of paragraph 3 of Sub-section (A) of this Section, may file with an application for renewal, a request for an immediate hearing, and said Board shall, within ten (10) days, hear and determine whether such applicant has been guilty of anything charged in the order to show cause, which would have justified revocation or suspension of his former license. If the Board, shall find such person guilty, he shall not be permitted to obtain a license until two years have expired, from the date of the order of the Board; but, if he is not found guilty, he shall be entitled to renew his license under this Section. The procedure and burden of proof, as provided in proceedings for revocation or suspension of a license, shall apply in this proceeding, and an appeal will lie as provided in Section 63 from the final order of the Board. No hearing shall be granted under this Sub-section unless the applicant shall file such request with the Board, within ten days after the beginning of the Fiscal year immediately succeeding the year in which the applicant held a license.

SECTION 54. PRESERVATION OF RIGHT OF EXISTING LICENSEES UNDER SUCH LICENSE.

Any person, persons, firm or corporation, now holding a license or permit issued by the Division of Alcohol Control of the Department of Business Regulation permitting the manufacture, distribution, or sale of alcoholic beverages or any of the beverages defined herein to be alcoholic beverages, shall be authorized to continue to exercise the same rights and privileges which were permitted under the law at the time of the issuance of such licenses, and any other right and privilege which the licensee would be permitted to exercise under this law, if a similar license was issued to such persons under this Act, until the expiration of said license; and any person holding a Wholesale license or permit issued by the Division of Alcohol of the Department of Business Regulations authorizing any person to sell alcoholic beverages at

wholesale, during the fiscal year of 1937-1938, shall be authorized and permitted under such license or permit to exercise all of the rights and privileges which may be exercised under this Act by a Wholesale and Special Wholesale Licensee, until July 1, 1938. After this Act becomes effective, the revocation or suspension of such existing licenses or permits issued as aforesaid, shall be in accordance with and upon the grounds set forth in this Act, for the revocation or suspension of a license.

SECTION 55. ISSUANCE OF COUNTY AND CITY LICENSES; UNLAWFUL TO DO BUSINESS WITHOUT, IF REQUIRED BY SUCH COUNTIES AND CITIES.

(A) The State Alcoholic Beverage Board immediately upon approval of the application of any applicant shall forthwith notify the Clerk of the County wherein the licensee will conduct his business, and in event such licensed premises will be located within an incorporated city, the said Board, shall also notify the City Clerk of such City, of the approval of the application of the applicant for a state license and shall specifically state the class or character of the license which will be issued to the licensee. At any time thereafter, such applicant may demand and receive from the County Clerk or the City Clerk, as the case may be, a County and City License, or either, to conduct such business within said county or said city, by tendering the paying to such Clerk the required county license tax or city license tax, as the case may be, and the fee to be charged by such clerk as provided in this Act for the issuance of such license.

B. It shall be unlawful for any person to engage in business, if a County license is required pursuant to this Act, unless such applicant shall first have and obtain a license issued by the County Clerk.

C. It shall be unlawful for any person to engage in busi-

ness, if a City License is required pursuant to this Act, unless such applicant shall first have and obtain a license issued by the City Clerk.

D. No City or County License shall authorize any person to engage in any of the businesses regulated in this Act, unless the holder of such licenses, shall have in his possession a State License in full force and effect, except as hereinafter provided in Section 65.

E. The revocation or suspension of a State License of a licensee, shall automatically have the same effect upon any County or City License issued to a Licensee, and such licensee shall not be entitled to a refund of any part of any license tax paid. This Section shall not prevent a former licensee whose license has been revoked, from disposing of his stock of alcoholic beverages as provided in Section 65.

SECTION 56. DISCRETIONARY GROUNDS FOR REFUSAL OF LICENSE.

A. The State Alcoholic Beverage Board, after a hearing, if same is demanded, may refuse a license to any applicant, except those applicants entitled to receive their licenses under the provision of Section 53, if the said Board shall find one or more of the following grounds exist, to-wit:

(1) That such applicant by reason of his business experience, financial standing, trade connections, and past conduct is not likely to commence operation within a reasonable period or maintain such operation in conformity with the laws of this State;

(2) Has failed to request a hearing within the time allowed after the issuance of an order to show cause.

SECTION 57. MANDATORY GROUNDS FOR REFUSAL OR LICENSE.

The State Alcoholic Beverage Board, after a hearing, if same is demanded, shall refuse a license to any applicant, if

the said Board shall find one or more of the following grounds exist; to-wit:

(1) If said applicant is not eligible to receive a license by virtue of the provisions of Sections 33 or 34; or

(2) If said applicant has wilfully made false material statement in his application; or

(3) Has failed, neglected, or refused to make and file the bond required in Section 38; or

(4) If the licensed premises are located at a place prohibited by law or a valid City Ordinance.

SECTION 58. PRECEDING SECTIONS SHALL NOT RESTRICT REFUSAL OF RETAIL LICENSE AT PLACES OF AMUSEMENT.

The two preceding sections shall not restrict the power heretofore given to said Board, to refuse a license to any applicant for a retail license at a place of amusement as set forth in Section 44 of this Act.

SECTION 59. MANDATORY CAUSES FOR REVOCATION.

Any license issued under this Act by the State Alcoholic Beverage Board or any permit or license heretofore issued by the Division of Alcoholic Control of the Department of Business Regulations, shall be revoked if the licensee shall:

(1) be convicted of a violation of the provisions of this Act; or

(2) be convicted of a violation of the provisions of Chapter 149, Acts of Kentucky Assembly of 1934; or

(3) be convicted of selling any alcoholic beverages, upon which, the State Tax levied in this Act has not been paid, or upon which, the proper United States tax has not been paid; or

(4) shall wilfully make any false, material statement in an application for license; or

(5) shall transfer, assign, pledge, or hypothecate his license; or

(6) shall pay for the license of another or permit another to pay for his license or shall be convicted of a violation of Section 121; or

(7) wilfully and deliberately fail to pay the excise tax levied in this Act, or any part thereof legally due, or

(8) if licensee was not eligible to receive a license by reason of the provisions of Sections 33 or 34.

SECTION 60. OTHER CAUSES FOR REVOCATION.

Any license issued under this Act by the State Alcoholic Beverage Board, or any permit or license theretofore issued by the Division of Alcoholic Control of the Department of Business Regulations, may be revoked or suspended if the licensee shall;

(1) violate any provisions of this Act,

(2) Any valid ordinance adopted by any City pursuant to the provision of this law, or

(3) any rule or regulation promulgated by the Commissioner of Revenue relating to taxation, the State Alcoholic Beverage Board or any Local Control Authority, if said licensee is subject to such regulation, or

(4) if said licensee shall sell alcoholic beverages to a person not authorized under this Act to purchase same, or

(5) if any licensee shall fail to request a hearing in writing within the time allowed by law, after the issuance of an order to show cause why said license should not be revoked or suspended, or

(6) violate the provisions of Section 121.

SECTION 61. PROCEDURE RELATIVE TO REVOCATIONS.

A. Upon complaint of any person, to the State Alcoholic Beverage Board, stating that a cause for revocation or suspension exists as to any licensee, said Board shall refer said

complaint to the Commissioner of Revenue. Said Commissioner of Revenue shall forthwith notify any Local Control Board, that such complaint has been filed and ask for a report thereon, and said Commissioner shall forthwith investigate said complaint. In event the Commissioner considers the complaint well founded, he shall file a complaint with the State Alcoholic Beverage Board.

B. The Revenue Commissioner, Sheriff of any County, Local Control Board, or Mayor of any City, may file a complaint with the State Alcoholic Beverage Board, which said complaint shall state the particular grounds and facts relied upon for revocation or suspension of said license. Such complaints shall be referred to the legal counsel for said Board and said counsel shall prepare an order to show cause addressed to the licensee, which said order to show cause shall contain the particular grounds and statement of fact, which it is contended shall justify revocation of said license. Said order to show cause shall require the licensee to be and appear before said Board at some day certain, not less than fifteen days after the mailing of said order to said licensee, and defend the charges contained in the order to show cause, failing which his license shall be suspended or revoked.

(C) On the date of said hearing, the Board shall proceed to hear the testimony in said cause for the respective parties, unless a continuance shall be granted. The burden shall be upon the person initiating said charge to establish same by a preponderance of the evidence, except as otherwise provided in Section 44 to 46. Either or both parties may be represented by counsel. The usual rules of evidence governing civil causes shall apply, but the Board shall not be bound by any technical or legal rules of evidence except as due process of law may require. The legal advisor to said Board shall sit with the Board and advise it with reference to the admissibility of evidence, and the Board shall rule in accordance with such advice. After the close of the testimony, said

Board shall consider said case in executive session and render its judgment thereon within five days.

In event either party shall request that the testimony taken and the proceedings of the Board be reported, the Board may require the party requesting same, to deposit a sufficient sum to cover the expense of reporting and transcribing said testimony. In event the proceedings are reported, one copy shall be furnished to and retained by the Board.

Upon request of either party, the Chairman of the Board shall authenticate and certify such transcript of testimony and proceedings. In event that said Chairman does not consider the transcript correct, he shall call a meeting of the Board, and if a majority of the Board shall determine that said transcript is correct, all members thereof shall certify said transcript; otherwise the said Board shall endorse its refusal thereupon stating which portions of said transcript are correct and which portions of the transcript it deems incorrect, and any Court shall in its discretion, consider or reject any part thereof declared to be incorrect and shall consider all parts certified as correct.

SECTION 62. EFFECT OF JUDGMENT OF THE BOARD AND STAY THEREOF.

No order of the Board revoking or suspending a license, except that of a Conditional License, shall require any licensee to cease to do business until ten days after the date thereof. If said licensee shall enter an appeal to the Circuit Court as hereinafter provided, such appeal shall operate as a stay of the Board's order unless specifically ordered to the contrary by the court. An appeal by a licensee holding a conditional license shall not operate as a stay of the Board's order.

SECTION 63. JUDICIAL REVIEW OF ORDERS OF BOARD; PARTIES AND PROCEDURE; COSTS:

Any order of the State Alcoholic Beverage Board refusing a license or revoking or suspending a license may be ap-

pealed from, by the applicant or licensee, as the case may be, and any order of said Board granting a license or refusing to revoke or suspend a license may be appealed from by any citizen feeling himself aggrieved. The appellant shall, within ten days after the entry of the order with which he is dissatisfied, if he desires to appeal, file in the office of the Clerk of the Circuit Court of the County of the residence of the Applicant or the licensee, an attested copy of the order of the Board and a notice of appeal stating the title of the cause and the names of the necessary parties as provided herein. Said appellant shall within ten days after the entry of said appeal, unless further time be granted by the Court, file in said Court an authenticated and certified transcript of record containing all of the orders, papers and pleadings filed before the Board and the Transcript of the testimony in said cause certified as heretofore provided. At the time of filing the notice of appeal, the Clerk of the Circuit Court shall require the appellant to post a bond in such sum as may be necessary, to secure the payment of costs in said action, with a qualified corporate surety thereon authorized to transact business in the Commonwealth, or two qualified personal sureties. The State Board and the licensee or applicant, shall be necessary parties to all such appeals. The Circuit Clerk immediately upon a filing of a notice of appeal and posting of the bond shall docket the case as though it were a petition in equity, and shall immediately issue a summons for the said State Board, if the appeal be taken by the applicant or licensee, or a summons for the State Board and the licensee, if the appeal be prosecuted by a citizen. Such summons shall be returnable in the same manner as are summons in equity cases.

If the appeal be from an order refusing to grant a license or revoking or suspending a license, it shall be the duty of the State Board, when served with such summons, or of such person as it may designate, to appear and defend the action of the State Alcoholic Beverage Board in refusing to grant, or revoking the license in question. If the appeal be from an

order granting a license or refusing to revoke or suspend a license, the licensee shall have the right of appearing and defending the action of said Board.

No formal pleading shall be required in such appeals, but the case shall be set down by the court for a early a day as possible for a hearing, and such appeals shall in all respects be expedited as are declaratory judgment suits; after such hearing the court shall enter a judgment affirming or setting aside the order of the State Alcoholic Beverages Board made in said proceeding.

The Circuit Court, in its discretion, may permit the introduction of new and additional evidence, but such Court shall otherwise hear the case upon the record as attested by the Board and shall dispose of the appeal in a summary manner but no presumption shall be indulged in favor of the correctness of the decision of the Board provided, however, the Court shall indulge a presumption in favor of the correctness of the decision of the Board in any case involving the refusal of a license under Section 46, and the revocation of a conditional license issued under Section 47 of this Act.

Either party may appeal to the Court of Appeals of Kentucky, from the judgment of the Circuit Court, in the same manner as he might appeal from a judgment in equity cases.

SECTION 64. SURRENDER OF REVOKED LICENSE; NOTICE TO POLICE OFFICIALS.

Within three days after any order of revocation of a license issued pursuant to this Act shall have become final, notice of such revocation shall be given to the licensee and to the owner of the licensed premises. A notice mailed to the licensee and to the owner of the licensed premises at the address shown in the last application for a license or in the last statement supplemental to such application shall be deemed sufficient compliance with the provision contained in this Section relative to notice. Such license shall thereupon at once surrender his license to the State Alcoholic Beverage

Board. If the license revoked be for premises located in any city having a police force of its own, said Board, immediately upon mailing said notice of the revocation of the license shall mail to the chief official of the police department of such city a written notice stating the fact of the revocation, the name of the licensee whose license was revoked, the address of the premises theretofore licensed under such revoked license, and the date of the revocation. If the license revoked be for premises not located in any city having a police force of its own, said Board shall in like manner and at like time mail a similar notice to the Sheriff of the county in which said premises are located. If the revoked license be not forthwith surrendered by the licensee it shall be the duty of such police official, or sheriff, as the case may be, at the request of said Board, immediately to cause one of his officers to take physical possession of such license and return same to said Board.

SECTION 65. DISPOSITION OF STOCK.

When a license issued under this Act shall have been revoked the former licensee shall have the right, under the supervision of the Board to dispose of and transfer his stock of alcoholic beverages to a party or parties who hold licenses under this Act, or to non-residents, not for resale or consumption in Kentucky; provided such disposition of stock on hand shall not be delayed longer than ninety days in the case of distillers, rectifiers, or vintners, nor longer than sixty days in case of wholesalers or distributors, nor longer than ten days in the case of retailers.

The purchase of merchandise by any licensee from any former licensee disposing of his stock on hand in accordance with this Section is hereby permitted. No Retail Licensee purchase any alcoholic beverages from such wholesaler unless there shall be affixed to the immediate containers thereof Consumers Excise Stamps.

SECTION 66. SUSPENSION OF LICENSES.

No license shall be suspended for a period of more than sixty days. Appeals from orders of suspension shall be the same as provided for orders of revocation.

SECTION 67. AUTHORIZATION BY BOARD FOR CONTINUANCE IN BUSINESS BY REPRESENTATIVE OF DEFUNCT LICENSEE.

If a corporation or co-partnership holding a license under this Act shall be dissolved, or if a receiver or assignee for the benefit of creditors, or a committee for the property of an individual holding a license issued under this Act, be appointed, during the time for which such license was granted, or if an individual holding a license granted under this Act, shall die or become insane, during the time for which such license was granted, and a personal representative be appointed for such estate, or for such insane person, then such corporation or co-partnership, receiver or assignee, or the personal representative of the estate of said deceased or individual adjudged to be incompetent, may continue to carry on such business upon the licensed premises for the remainder of the term for which the license was effective, with the same rights and subject to the same restrictions and liabilities as if he had been the original licensee, provided the approval of the Board shall first be obtained. Before continuing such business such receiver, assignee, personal representative, or committee as the case may be, shall file a statement setting forth in such form as the State Alcoholic Beverage Board may prescribe the facts and circumstances by which such person has succeeded to the rights of the original licensee. The Board may require the applicant to have the same qualifications required of applicants for licenses. In the event the Board permits the continuance of such business, the State and any County or City license shall be submitted to it, and the Commissioner of Revenue shall write or stamp across the face of said license the words; “..... is

permitted to exercise the rights and privileges of the original licensee hereunder as assignee (or receiver, personal representative or committee, as the case may be) of the original licensee for the unexpired term of this license." Such endorsements on the face of the license shall be dated and signed by the person making it. The applicant shall pay a fee of \$5.00 upon procuring such endorsements.

SECTION 68. TRANSFER TO DIFFERENT PREMISES.

In case of destruction by an act of God or casualty, of premises for which a license under this Act shall have been issued, the Board shall change the State, County and City license to authorize continuance of business at other premises with the same county or city, as the case may be. No such transfer shall be made unless the licensees shall have filed a written verified statement of the reasons necessitating the transfer. If such transfer is made, the Board shall endorse a description of the new premises upon the license and shall date and sign the endorsement.

SECTION 68½. SERVICE OF NOTICES AND OR ORDERS.

All Notices, Orders, Papers, Subpoenas or other Instruments required to be served upon any person under this Act, may be served by Registered Mail, or may be served by any Sheriff within the County of his office. Return receipts shall be required for all Notices, Papers or Orders mailed by Registered Mail, and the said receipt shall be prima facie evidence of service and shall be preserved with the record of any case. In the event papers are served by the Sheriff, he shall make a proper return upon the original.

TITLE V.

REGULATIONS OF THE SEVERAL LICENSEES.

SECTION 69. REGULATIONS OF DISTILLERS, RECTIFIERS, VINTNERS LICENSES, HEREUNDER.

(a) Licenses issued to Distillers, rectifiers, and vintners, shall authorize the holder of any such license at the premises specifically designated in the license, to engage in the business of a Distiller, Rectifier, or Vintner, as the case may be, as those terms are defined in this Act.

(b) A Distiller, Rectifier or Vintner, may, under such rules and regulations, as may be adopted by the State Alcoholic Beverage Board, sell, deliver or transport at wholesale only to;

- (1) Other Licensed Distiller, Rectifiers or Vintners;
- (2) Licensed Wholesalers and Special Wholesalers; or
- (3) For export out of the Commonwealth.

(c) No sales shall be made except at the licensed premises and no distiller or rectifier shall deliver any distilled spirits to any purchaser at the licensed premises of said distiller or rectifier, except to licensed distillers, rectifiers, wholesalers, and special wholesalers; provided, however, this shall not prevent such distillers or rectifiers from delivering distilled spirits to any persons holding a Transport License hereunder or any common carrier. No distiller or rectifier or vintner shall sell or contract to sell, give away or deliver any of his products to any person who is not duly authorized under this Act to receive, possess, transport, distribute or sell same, and in no event shall he sell or contract to sell, give away or deliver, any of his products to any retailer or consumer.

(d) Nothing herein contained shall be construed to prevent the sale and purchase of warehouse receipts by banks or other persons, firms or corporations authorized by law to lend money on or deal in warehouse receipts, but this provision shall not authorize the owner of any such receipt to accept de-

livery of any distilled spirits unless the owner is qualified under this law to receive the same.

SECTION 70. MONTHLY REPORTS TO BE FILED WITH BOARD.

Each Distiller, Rectifier, and Vintner shall file a monthly report with the Revenue Commissioner and duplicate with the State Alcoholic Beverage Board, not later than the 10th day of each and every calendar month, which shall be upon a form to be furnished by said Board, and shall contain among other things, the following information under oath, to-wit;

(1) Name, location and license number of licensee.

(2) The Amount of alcoholic beverages in gallons manufactured during the preceding calendar month.

(3) The amount of alcoholic beverages in gallons shipped during the preceding calendar month to purchasers within this Commonwealth, together with a schedule showing the license numbers and names of such purchasers, their respective places of business and the amount in gallons involved in each shipment.

(4) The amount of alcoholic beverages in gallons shipped during the preceding calendar month to purchasers without this Commonwealth, together with the names, respective places of business of such purchasers and the amount in gallons involved in each such shipment.

(5) The amount of Tax paid to the Department of Revenue during the preceding calendar month.

SECTION 71. REGULATION OF WHOLESALERS.

(a) A Wholesale License and a special wholesale License shall authorize the holder thereof to receive, store, possess and sell Federal tax-paid alcoholic beverages at wholesale, from the licensed premises or from such other premises to which the holder may thereafter move his business with the consent of the Board, and at such licensed premises the holder may also bottle wine.

(b) Any Wholesale or Special Wholesale Licensee may return distilled spirits to any distiller or rectifier as provided in Section 112, and may transport alcoholic beverages for himself, in any vehicle owned or leased by him bearing a proper sign or plate issued under a Transportation License, from any non-resident distillers, rectifiers or wholesalers place of business, without the Commonwealth, or from any licensed premises, and station, depot, or car of any common carrier, within or without the Commonwealth, to his place of business, and any person holding both licenses may sell, deliver, or transport at wholesale, from the licensed premises to non-resident purchasers, licensed wholesalers, licensed retailers, licensed distillers or rectifiers and licensees under Section 24, and to no other. Any Special Wholesale Licensee may sell, transport or deliver Distilled Spirits and wine at wholesale from the licensed premises, to non-resident purchasers only, and may sell, possess, deliver and transport only distilled spirits which are stamped with Special Excise Stamp as herein provided, and no other. On and after July 1, 1938, any person holding a Wholesale license only, under subsection 4 of Section 24, may sell, deliver, or transport at wholesale from the licensed premises only, to licensed wholesalers, licensed distillers, licensed retailers, or rectifiers and licensees under Section 24.

(c) No Wholesaler or Special Wholesaler shall sell or contract to sell, give away or deliver any of his products to any person who is not authorized under this Act to receive same, and in no event shall he sell or contract to sell, give away or deliver any of his products to any consumer, except as otherwise provided in this Act.

SECTION 72. DISTILLED SPIRITS TO BE KEPT AND SOLD IN SEALED PACKAGES BY WHOLESALERS: EXCEPTION.

No Wholesaler or Special Wholesaler shall purchase, import or keep upon the licensed premises or sell distilled

spirits except in the original sealed containers having a capacity of not less than eight ounces, and not to exceed (1) one gallon each, of distilled spirits as received from a Distiller, Rectifier, or Wholesaler as the case may be.

No Wholesaler shall sell any distilled spirits except in the original sealed cases of containers of uniform size and of the size above specified, unless the immediate containers thereof are stamped with a consumers Excise Stamp, provided, however, if bottles are broken in transit or handling such wholesaler may open said case, remove the broken bottles therefrom, and re-seal the case. There shall be written upon the case the date of removal and re-sealing, the number of bottles removed and the name of the party removing them. The Commissioner of the Department of Revenue and the State Alcoholic Beverage Board, may require a special report as to re-sealed cases, upon such form and at such times as it shall deem necessary.

SECTION 73. WHOLESALER TO HAVE LICENSE NUMBER ON WINDOW OR BUILDING.

Each Wholesaler or Special Wholesaler shall have painted on the front window of the licensed premises, or, if there be no window, on a sign affixed to the front of the building containing said licensed premises, the name of the licensee together with the inscription: "Kentucky Wholesaler's Liquor License No." in uniform letters not less than three and a half inches in height.

SECTION 74. IMPORTATION OF BULK, DISTILLED SPIRITS AND SALE OF LESS THAN 5 GALLONS BY WHOLESALER PROHIBITED.

No Wholesaler or Special Wholesaler shall import into this Commonwealth any distilled spirits in bulk or in immediate containers of more than one gallon. No Wholesaler or Special Wholesaler shall sell distilled spirits to any purchaser in quantities of less than five (5) gallons.

SECTION 75. BUSINESS AUTHORIZED UNDER A RETAIL PACKAGE LICENSE.

A Retail Package License shall authorize the holder thereof to purchase, receive, possess and sell alcoholic beverages at retail, in unbroken packages only and only for consumption off the licensed premises. The holder of such a license shall purchase alcoholic beverages in retail packages only and only from Wholesalers licensed under this Act. Such Retailers may sell only to consumers and may make deliveries only at the premises designated in their licenses. Such licensee shall not sell any distilled spirits except in containers of at least 8 ozs. and not more than a gallon.

SECTION 76. BUSINESS AUTHORIZED UNDER RETAIL DRINK LICENSE.

A Retail Drink License shall authorize the holder thereof to purchase, receive, possess and sell alcoholic beverages at retail by the glass for consumption on the licensed premises. The holder of such a license shall purchase alcoholic beverages only from wholesalers licensed under this Act and shall not buy or possess distilled spirits in containers of a capacity smaller than twenty ounces.

SECTION 77. TRANSPORTATION LICENSE.

A holder of any license, except a Retailer, issued under this Act shall be entitled to a Transportation License upon the payment of the license tax required therefor, as a matter of right. Such license shall continue in force and effect only so long as the licensee shall have in full force and effect the license required by law for the conduct of his business. The suspension or revocation of any license, by virtue of which the licensee is entitled to a transportation license, shall suspend or revoke the Transportation License issued hereunder. Such Transportation License shall authorize the licensee to transport for himself alcoholic beverages in any truck, wagon or other vehicle owned or leased by him, from any, Non-Resi-

dent Distiller's Rectifier's or Wholesaler's place of business without the State, or from any licensed premises, station, depot, or car of any common carrier, with in or without the Commonwealth, to his place of business, and transport said alcoholic beverages from the place of business of said licensee to the place of business of any other licensee, any station, depot or car of any common carrier or to any place without the Commonwealth.

Any contract carrier may procure a Transportation License as herein provided which shall authorize such contract carrier to transport alcoholic beverages for any licensee. The form of application and rules and regulations relating to such contract carriers and the revocation of licenses issued shall be prescribed by the State Board, and said carriers shall be required to comply with all rules and regulations of the Department of Revenue, relating to the transportation of Alcoholic Beverages and to make the reports required by said Department of Board.

B. The State Alcoholic Beverage Board shall prescribe the form and size of sign or plate to be affixed to the vehicles of the Transportation Licensee, containing among other things the Special Transportation License number of the vehicle and the licensee, prescribed by the State Alcoholic Beverage Board and no person shall transport any beverages owned by him in any vehicles owned by him, except as provided in this Act.

It shall be unlawful for Distilled Spirits to be transported in quantities of more than five (5) gallons, except by a Retail Licensee, from the premises of a licensed Wholesaler to his licensed premises, or by a person who possesses such Distilled Spirits, not for resale or consumption within the Commonwealth, or by a Common Carrier, or in a vehicle to which is affixed the sign or plate provided by this Section.

SECTION 78. RAILROAD OPERATORS LICENSES.

The State Alcoholic Beverage Board is authorized and

empowered to issue to operators of railroads or sleeping cars in the Commonwealth of Kentucky, a license to sell alcoholic beverages at retail. Such license shall authorize the holder thereof to purchase, keep for sale and sell alcoholic beverages upon any dining, club, parlor, buffet, pullman or observation car operated by it in this State, but said beverage shall be sold only to passengers upon said cars and may be sold by the package or by the drink. Each such license shall be effectual throughout the Commonwealth of Kentucky. No license shall be required or tax levied by any City or County for the privilege of selling such alcoholic beverages. Such beverages shall be sold only on cars in which are posted certified copies of the licenses issued to such operator which said copies shall be issued by the State Alcoholic Beverage Board upon the payment to it of \$1.00. The licensees when purchasing alcoholic beverages in the Commonwealth of Kentucky shall purchase same only from Licensed Wholesalers.

SECTION 79. SPECIAL NON-BEVERAGE ALCOHOL VENDOR'S LICENSE.

A Special Non-Beverage Alcohol Vendor's License may be granted by the Board, entitling the licensee to purchase, import, possess, store, sell and deliver non-beverage alcohol only, to holders of Special Industrial Alcohol Licenses or Special Non-Industrial Alcohol Licenses, or for export out of the Commonwealth for non-beverage purposes, and to no other.

SECTION 80. SPECIAL INDUSTRIAL ALCOHOL LICENSE.

A. A special industrial alcohol license may be issued by the Board entitling the licensee to purchase alcohol intended for use in the manufacture and sale of any of the following, when they are unfit for beverage purposes, namely;

(1) Denatured Alcohol purchased and used pursuant to Act of Congress and regulations promulgated thereunder.

(2) Patent, proprietary, medicinal, pharmaceutical, antiseptic and toilet preparations.

(3) Flavoring extracts, syrups and food products.

(4) Scientific, chemical, mechanical and industrial products.

B. Such license shall be in such form as may be prescribed by the rules and regulations of the State Alcoholic Beverage Control Board and shall authorize the licensee to purchase and to use said alcohol for the purpose named in such license and in accordance with the terms and conditions of such license and the rules and regulations of the State Board.

C. Any person who shall knowingly sell any of the products hereinabove enumerated for beverage purpose shall be subject to the penalties provided for in this Act.

SECTION 81. SPECIAL NON-INDUSTRIAL ALCOHOL LICENSE.

A. A special non-industrial alcohol license for the purchase of alcohol, may be issued by the State Alcoholic Beverage Control Board to the Superintendent or any duly authorized Officer of a Hospital, Museum, Laboratory, Charitable, Educational or similar Public or Private Institution, or to a Drug Store employing a Licensed Pharmacist, or to a licensed Physician, or to a Manufacturing Establishment to use alcohol in its processes of manufacture.

B. Such a license shall be issued in such form as may be prescribed by the rules and regulations of the State Alcoholic Beverage Control Board and shall authorize the licensee to purchase and use such alcohol for the purposes named in such license and in accordance with the terms and conditions thereof and rules and regulations of said Board.

SECTION 82. DISTILLERS AND RECTIFIERS, AGENTS OR SOLICITORS LICENSES.

The State Alcoholic Beverage Board shall issue to any

duly authorized representative, employee, agent or solicitor of any non-resident or licensed Distiller or Rectifier, a license. Such license shall authorize the licensee to solicit orders for sale or delivery of any alcoholic beverage sold by such Distiller or Rectifier. The application for such license shall set forth the name and address of such Distiller or Rectifier, together with his license number, if any, and such application shall be executed by the owner or principal officer of such distillery or rectifying plant. Such Agent or Solicitor shall represent only the distillery or rectifying plant appearing upon the application, and the license issued to the solicitor. This Act shall not apply to any owner, officer, agent, or employee of any distiller or rectifying plant who shall solicit orders, only at the licensed premises, and shall not apply to any officer, agent, or employee of any other licensee.

SECTION 83. BONDED WAREHOUSES.

Any person, firm or corporation engaged in the business of operating a United States Government Bonded Warehouse in the Commonwealth for the storage of distilled spirits, produced at any distillery duly registered in the office of any Collector of Internal Revenue, may obtain a license which shall authorize said Bonded Warehouse, in-so-far as the laws of this State are concerned, to store, bottle and deliver from the licensed premises only, to Distillers, Rectifiers and Wholesalers licensed under this Act, and to non-resident Rectifiers and Distillers, operating distilleries and rectifying plants duly registered in accordance with the law of the United States. Such licensee shall make such reports as the Commissioner of Revenue shall require.

SECTION 84. SPECIAL TEMPORARY LICENSES.

The State Alcoholic Beverage Control Board is authorized and empowered to issue a Special Temporary License for the sale of Alcoholic Beverages at retail for consumption on the premises, to any regularly authorized fair or racing

association for a particular fair, race or race meeting conducted by such association. The issuance or refusal of such a special license and the exercise of the privilege granted thereby shall be subject to such rules and regulations as said Board may in each particular case deem necessary.

All restrictions and prohibitions applying to Retail Drink Licensees shall apply also to a Special Temporary Licensee, and the fee for such licensee shall be twice the proportional part of the tax for a full years license for a Retail Drink License, counting any part of a calendar month as a full month.

SECTION 85. SPECIAL PRIVILEGE LICENSES.

Any person licensed to sell alcoholic beverages at retail for consumption on the premises in a city of the first or second class may apply to the State Alcoholic Beverage Control Board for a special license to remain open on any specified date or dates between hours stated in said application; and said Board may, in its sound discretion, issue to any such applicant a special license to remain open on the date or dates specified in such special license during the hours specified therein. The privilege conferred by such special license shall not be granted to the same person nor for the same presises oftener than three times during one calendar year.

SECTION 86. SPECIAL PRIVATE CLUB LICENSE.

A special private club license, to any non-profit, social, fraternal, military, or political organization or club which for more than one year prior to the date of application, has maintained and operated a club room or rooms, may be granted by the State Alcoholic Beverage Board. Said licensee shall be authorized to sell and distribute alcoholic beverages to members, non-residents, guests and bonafide guests of the club only, and all provisions and restrictions imposed upon retail drink licensees shall apply to special club licensees, except as otherwise provided in this law.

SECTION 87. EXEMPTION OF CERTAIN LICENSES FROM EXCISE TAXES AND OTHER LAWS.

(A) Notwithstanding the taxing provisions of the Sections of Title VI of this Act all distilled spirits and wine purchased by holders of the Special Licenses provided for in sub-sections 3, 4 and 5 of Section 24 and used in the manner authorized by said Special licenses, shall be exempt from consumer's tax of \$1.04 per gallon on distilled spirits and 25c per gallon on wine, and;

(B) No provisions contained in Sections 2554c-1 to 2554c-42 inclusive, of Carroll's Kentucky Statutes, 1936 Edition, shall be construed to prevent the issuance of the Special license provided in sub-sections 3, 4 and 5 of Section 24 to persons located in local option territory or to prevent said persons from exercising the privileges granted in said license.

TITLE VI.

EXCISE TAXES AND EXCISE STAMPS REGULATIONS AND PENALTIES

SECTION 88—REPORTS OF RECEIPT OF ALCOHOLIC BEVERAGES.

Every licensee shall make reports upon such forms as are prescribed by the Department of Revenue at such times and as often as said Department shall require, setting forth in detail all alcoholic beverages received, either by purchase from a licensee with the State or by purchase from any non-resident distillery or rectifying plant, and may be required to report as heretofore set forth all alcoholic beverages purchased which any licensee may re-sell or otherwise dispose of without having or receiving actual possession thereof.

SECTION 89. RATE OF TAX ON MALT BEVERAGES.

There is hereby levied upon the sale or distribution by sale of gift a tax of one dollar and fifty cents (\$1.50) on each barrel of thirty-one (31) gallons and a like or proportional

rate per gallon, or fractional part thereof, on beer sold or distributed in any other container of more or less than thirty-one (31) gallons, Provided, however, the tax herein imposed shall not apply to the distribution by gift of any beer on the premises of the manufacturer for consumption on the premises upon which no tax is collected by the United States Government.

SECTION 90. RATE OF TAX ON WINE.

There is hereby levied upon the sale or distribution by sale or gift a tax of twenty-five (0.25) cents on each gallon of wine and a like or proportional rate per gallon on wine sold or distributed in any other container of more or less than one gallon; provided that in no event may the tax be less than five (0.05) cents on the sale or distribution of any retail container of wine. Provided, however, that the provisions of this Act shall not apply to the manufacture, sale, gift or distribution of any wine manufactured, sold, given away or distributed and used solely for Sacramental purposes. Every Wholesaler shall be required to pay the excise tax levied herein on the sale of wine in the manner prescribed by the commissioner of Revenue.

SECTION 91. EXCISE TAX UPON SALES BY WHOLESALE- SALERS.

(a) There is hereby levied upon the sale or distribution by gift, by wholesalers, a tax of \$1.04 on each wine gallon of distilled spirits sold for re-sale or consumption within the Commonwealth of Kentucky, and a like or proportional rate per gallon, on spirits sold or distributed in any other container of more or less than one gallon, for re-sale or consumption within said Commonwealth.

(b) There is hereby levied upon the sale or distribution by gift, by wholesalers, a tax of eight (\$0.08) cents on each wine gallon of distilled spirits sold within the Commonwealth,

not for re-sale or consumption within the Commonwealth, of Kentucky, and a like proportional rate per gallon, on spirits sold or distributed within the Commonwealth, in any other container of more or less than one gallon, not for re-sale or consumption within said Commonwealth.

(c) This Act shall not be construed to repeal, amend, or modify any tax imposed by any provision of Chapter 149 of the Acts of the General Assembly of 1934 in force and effect at the time this Act becomes a law, provided, however, nothing herein shall be construed to revive Section 3 of said Act (Section 4214a-14 Carroll's Kentucky Statutes,) which has been heretofore repealed.

SECTION 92. SALE OF STAMPS.

(a) Stamps evidencing the payment of the excise tax levied under sub-section A of Section 91 of this Act, shall be designated and known as "Consumer's Excise Stamps."

(b) Stamps evidencing the payment of the excise tax levied under sub-section B. of Section 91 of this Act, shall be designated and known as "Special Excise Stamps."

(c) There shall be affixed to the immediate container of all distilled spirits, if sold for re-sale or consumption within the Commonwealth of Kentucky, the proper Consumer's Excise Stamp.

(d) There shall be affixed to the case containing the immediate containers of all distilled Spirits, if sold within the Commonwealth, not for re-sale or consumption within the Commonwealth, a Special Excise Stamp.

(e) The Commissioner of Revenue shall have available for sale, stamps of such denominations, kind and quantity as he shall deem necessary for the payment of taxes imposed by this Act but no Consumer's Excise Stamp shall be issued in a denomination of less than Seven (\$0.07) cents for use on distilled spirits and no charge, other than the face value of any stamp or the Excise tax shall be paid for such stamps. The

Commissioner shall issue Special Excise Stamps in the denomination of Twenty-four (\$0.24) cents only, to be affixed as required herein, and said Commissioner shall charge and receive in addition to said twenty-four (\$0.24) cents the sum of one (\$0.01) cent for each of said Special Excise Stamps. Consumer's Excise Stamps may be sold to licensed Wholesalers, only. Special Excise Stamps shall be sold only to Wholesalers until July 1, 1938, and thereafter shall be sold only to Specified Wholesale licensees, or to persons holding both a Wholesale and Special Wholesale license.

(f) Consumer's Excise Stamps or Special Excise Stamps, as the case may be, shall be affixed to the immediate containers or cases of distilled spirits at the licensed premises of every manufacturer.

Within the Commonwealth, before delivery of same shall be made to any Wholesaler within the Commonwealth. All distilled spirits imported by any Wholesaler, or Special Wholesaler, from without the Commonwealth, shall have affixed in the manner required by this Act Consumer's Excise Stamps or Special Excise Stamps.

(g) The Commissioner of Revenue shall have the power and authority to prescribe the rules and regulations, requiring that all malt beverages delivered to any licensee authorized to sell malt beverages, either at wholesale or retail, within the Commonwealth shall have tax paid crowns of the kind, description and bearing such inscription or impression, as the Commissioner of Revenue shall deem necessary or proper. The said Commissioner of Revenue shall prescribe rules and regulations as to the manufacture, sale, purchase and distribution of such crown to licensed and non-resident Brewers, and may require such bond from the manufacturers of crowns, as he shall deem necessary to protect the collection of the Excise tax. Malt Beverages manufactured within the Commonwealth may be exported by Brewers to points without the Commonwealth for re-sale without such crowns, and without

the payment of the Excise Tax levied under Section 89 of this Act, under such rules and regulations as the Commissioner shall prescribe, but no malt beverages shall be imported into the Commonwealth of Kentucky for delivery to any Distributor unless the same shall have crowns affixed evidencing the payment of the excise tax if the Commissioner shall deem same necessary.

SECTION 93—CLASSIFICATION OF WINE FOR PURPOSES OF TAXATION.

As used in this Title, in connection with the definition heretofore given in Section 2 of this act, wine shall include preparations or mixtures vended in retail containers, if such preparation or mixtures contain not to exceed 15 percent (15%) of alcohol by volume.

SECTION 93½—TAX ON SALE OF INVENTORIES ON HAND.

For a period of fifteen (15) days after this Act takes effect, unless the Commissioner of Revenue shall have available for sale at an earlier date, Special Excise Stamps provided for in this Act, any wholesaler shall have the right to possess, sell and deliver alcoholic beverages acquired before, but on hand when the taxes imposed by the previous sections of this Act become effective; and, such wholesaler may sell the same to authorized purchasers without affixing Special Excise Stamps thereto. The Commissioner of Revenue shall, by rule and regulation, prescribe the form of report to be made as to all such sales, and no person purchasing, such stocks not for re-sale or consumption within the State, shall be subject to any penalty provided by this Act, until such stamps are available for sale, and no wholesaler selling such alcoholic beverages, for re-sale or consumption not within this State, shall be subject to penalty therefor provided, however, such wholesaler shall be required to pay the tax levied upon

the sale of such distilled spirits under sub-section B of Section 91, of this Act.

SECTION 94—RECEIPT OF PURCHASER.

(a) Every Special Wholesaler or Wholesaler, before delivering any distilled spirits, in cases stamped with the Special Excise Stamp or Stamps, shall require the person or persons receiving delivery of said spirits to acknowledge receipt of same upon the original invoice in the following form;

“The undersigned acknowledges receipt of the Distilled Spirits described above and represents that the same will not be sold or consumed within the State of Kentucky; that the purchaser named in this invoice is a resident of a State other than the State of Kentucky.

(Signature).....”

Any Wholesaler or Special Wholesaler requiring the execution of such receipt before making such delivery shall not be liable for the tax imposed under Par. (1) of Section 91.

(b) Any non-resident purchaser signing such receipt may possess and transport said distilled spirits from the place of business of a licensed Wholesaler or Special Wholesaler to any point without the Commonwealth of Kentucky.

(c) It shall be unlawful for any person receiving distilled spirits to execute a false receipt for same, and any person executing such false receipt shall be deemed guilty of a felony and upon conviction, shall be punished by imprisonment of not less than one year, nor more than ten years, or by a fine of not less than One Thousand (\$1,000.00) Dollars, nor more than Ten Thousand Dollars (\$10,000.00) Dollars, or both such imprisonment and fine.

SECTION 95—SALES FROM ONE WHOLESALER TO ANOTHER: STAMPS TO BE AFFIXED.

No sale of distilled spirits shall be made by any licensed Wholesaler to any other licensed Wholesaler within the Com-

monwealth, unless there shall be affixed to each immediate container a Consumer's Excise Stamp, except as to stock sold under Section 65.

SECTION 96—STAMPS AFFIXED TO BARRELS.

The licensee who sells any alcoholic beverages destined to be sold to any retail licensee in barrels or other containers, which are not ordinarily suitable for delivery to the consumer, shall pay the tax herein imposed on the sale of the beverage before selling or offering it for sale and shall affix the stamps in the manner prescribed by regulation, unless the tax has already been paid and such stamps affixed.

SECTION 97—CANCELLATION OF STAMPS.

It shall be the duty of the person, whether retailer, consumer, or other, except as otherwise provided herein, who opens the immediate container of alcoholic beverage, to deface and cancel all stamps on such container at the time it is first opened, provided that any retail licensee shall leave all such cancelled stamps in plain view, unless the container is empty of alcoholic beverages.

SECTION 98—REGULATION OF TRANSPORTATION BY COMMON CARRIER AND OTHERWISE.

(a) No common carrier or other person shall transport into this State from without the State, any alcoholic beverages for delivery in this State, unless said beverage shall be consigned to a licensee other than a Retail Licensee, and the Commissioner of Revenue shall require all persons and common carriers transporting alcoholic beverages from without this State for delivery in this State, and from one point in this State to another point in this State, to provide information in such form as he may prescribe, respecting all such shipments of alcoholic beverages.

(b) No common carrier or other person shall transport into this state from without the State or transport from one

point in this State to another point in this State, for delivery in his State, any distilled spirits or malt beverages, unless the same shall be stamped or crowned as provided in this Act, or transport between such places any wine, unless the same shall be stamped, if a stamp shall be required by the Commissioner of Revenue. Providing however the Commissioner of Revenue in the case of Malt Beverages may order that the stamps herein provided for be affixed to invoices. All such stamped invoices shall be kept by the person whom the Commissioner shall by order direct to keep the same for a period of two years for examination by the Commissioner or his authorized agent. This Section shall not apply to bulk shipments between Distillers, Rectifiers, Brewers, Vintners or Bonded Warehouses, unless such alcoholic beverages are contained in immediate container suitable for Retail sale.

SECTION 99. PURCHASES BY LICENSED SLEEPING CAR OPERATOR WITHOUT THE STATE.

Any licensed railroad or sleeping car operator may purchase for sale in its cars, alcoholic beverages from Wholesalers outside the State when the tax imposed by this Act on such beverages shall have been paid before entry into this State.

SECTION 100. BREWERS TO PAY TAX.

(a) Every Brewer Manufacturing malt beverages within the Commonwealth shall be required to pay the Excise Tax levied herein on beer sold and distributed to licensees within the State. Such tax shall be paid in the manner and at the time prescribed by the Commissioner of Revenue and all regulatory provisions of this title insofar as the same may be applicable, shall apply provided, however, nothing herein shall restrict the Commissioner of Revenue from making all necessary regulations for the payment of tax and the issuance of stamps or crowns, if he deems such stamps necessary.

(b) Non-resident Brewers may purchase crowns evi-

dencing the payment of excise tax for malt beverages to be sold within the Commonwealth and any distributor may purchase same for use by any non-resident brewer.

SECTION 101—REPORT OF LICENSEE.

For the purpose of assisting in the enforcement of this Act, every licensee authorized to sell distilled spirits or wine, whether subject to the payment of taxes imposed by this Act, or not, on or before the tenth day of each month, shall render to the Commissioner of Revenue, a sworn or affirmed statement in writing of all of his trafficking in alcoholic beverages during the preceeding month. Such statement shall be taken directly from the books of such licensee and shall set forth, on forms furnished by the Commissioner the quantities, kinds, and destinations of alcoholic beverages purchased, held, and sold; the tax stamps purchased, affixed, and on hand; and such additional information as the Commissioner may require. Such statement shall include alcohol destined for industrial nad other non-beverage purposes, and alcoholic beverages subject to the tax imposed by this Act. Every person who shall import any alcoholic beverage in Kentucky for the purpose of sale or distribution by gift or sale in this State or any other State is hereby required to transmit to the Commissioner of Revenue within forty-eight (48) hours after receipt of same a true copy of each invoice for such beverage.

Brewers and malt distributors shall make such reports as the Commissioner of Revenue shall require.

SECTION 102—POWERS OF THE DEPARTMENT OF REVENUE.

The administration of this Title is vested in the Department of Revenue, which may prescribie forms and promulgate rules and regulations needed for the enforcement of this Title, not inconsistent therewith. The Department, through a representative appointed by it in writing, is hereby authorized to examine the books, records, papers, files, equipment

and or inventory of any person made liable for any tax under the provisions of this Act; to examine witnesses under oath for the purposes appropriate for enforcement of this Act; and to examine the books, records, papers, files, equipment and/or inventory of Manufacturers, Wholesalers, Retailers, or Carriers for the purpose of determining whether the Act is being violated. The Department shall have the power to institute legal proceedings by the Attorney General of Kentucky, or any attorney duly authorized by him, for the purpose of ascertaining the amount of the tax due and/or enforcing the collection thereof with penalties and interest thereon, and for the purpose of enjoining the operation of the business of the delinquent. The Department may at, or after the commencement of an action for the purpose of collecting the amount of tax due and penalty and interest thereon, as set out herein, have an attachment against the property of the person liable for tax and garnishment of his creditors without the execution of bond on the filing of an affidavit showing the nature of the claim, that it is just, the sum which the Department believes the Commonwealth should recover, on any of the grounds provided by the Civil Code of Practice for the issuance of an attachment in civil causes.

SECTION 103. ONLY ONE TAX REQUIRED.

Nothing in this Act shall be construed to require the payment of the tax imposed herein on the sale of the same alcoholic beverages more than once. The Commissioner of Revenue is empowered to issue stamps without charge to any licensee when necessary to give effect to this section.

SECTION 103½. PRIVATE BRANDS FOR EXPORT.

Any wholesaler engaged in the wholesale sale of distilled spirits manufactured within the Commonwealth and Bottled by any Distillery, Rectifying plant, or Bonded Warehouse within the Commonwealth, for such Wholesaler under a pri-

vate label or brand, which shall be intended for export and delivery at a place without the Commonwealth, where the sale of such beverage is permitted by the law of the place where the delivery is actually made, shall not be subject to the Excise Taxes heretofore provided. Any Wholesaler may possess such distilled spirits within the Commonwealth under such rules and regulations as the Department of Revenue shall prescribe, and the Commissioner of Revenue may require the immediate containers to be stamped with the Excise Stamps of the State or States where delivery will actually be made. Such Distilled Spirits so stamped shall be transported to the State of delivery by common carrier, only. Any licensee or common carrier possessing or transporting such spirits, in accordance with this Section and the rules and regulations of the Department of Revenue promulgated to carry into effect this Section, shall not be subject to penalties for such possession and transportation, anything in this Act, to the contrary notwithstanding.

SECTION 104. SALE AND POSSESSION OF UN-STAMPED BEVERAGES BY LICENSEE: PENALTY.

It shall be unlawful for any wholesale or special wholesale licensee to possess, sell or deliver any alcoholic beverage unless there shall be affixed thereto the proper stamps or crowns, if any be required under this act, or for any retail licensee to have in his possession or sell any distilled spirits not stamped in accordance with subsection C of Section 92 or any other alcoholic beverages unless there shall be affixed thereto any stamps or crowns required under this Act. Providing, however, the Commissioner of Revenue in the case of Malt beverages, may order that the stamps herein provided for be affixed to invoices. All such stamped invoices shall be kept by the person whom the Commissioner shall, by order direct to keep the same for a period of two years for examination by the Commissioner or his authorized agent. Any

person violating the provisions of this Section, shall be guilty of a misdemeanor and upon conviction, shall be punished by a fine of not less than Five Hundred (\$500.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, and imprisonment not to exceed one year or both.

SECTION 105. SALE WITH INTENT TO DEFRAUD: PENALTY.

Any licensee who shall sell any alcoholic beverage upon which the required tax has not been paid, with the intent to defraud the Commonwealth of such tax, shall be guilty of a felony and upon conviction shall be punished by a fine of not less than One Thousand (\$1,000.00) Dollars nor more than Five Thousand (\$5,000.00) Dollars and be imprisoned in the State Penitentiary not less than one year nor more than five years, or both such fine and imprisonment.

SECTION 106. UNLAWFUL POSSESSION OF NON-TAX PAID SPIRITS BY PERSONS OTHER THAN LI- CENSEES: PENALTY.

It shall be unlawful for any person, not a licensee, to possess distilled spirits without the proper stamp being affixed to the immediate containers or the case or to possess any other alcoholic beverages unless there is affixed to the immediate container thereof the required evidence of payment of the excise tax required. Providing however the Commissioner of Revenue in the case of Malt Beverages may order that the stamps herein provided for be affixed to invoices. All such stamped invoices shall be kept by the person whom the Commissioner shall by order direct to keep the same for a period of two years for examination by the Commissioner or his authorized agent. Any person convicted of the violations of this Section for a first offense shall pay a fine of not less than Fifty (\$50.00) Dollars and more than Three Hundred (\$300.00) Dollars and not less than thirty nor more than sixty

days imprisonment, or both. Any person convicted of a violation of this Section, after having previously been convicted thereof, shall be punished by imprisonment in the State Penitentiary for not less than one year nor more than three years. Provided, however, this Section shall not apply to a common carrier transporting distilled spirits for delivery in another State, or to persons possessing not in excess of one gallon of such spirits, wine, or malt beverages if the same shall bear a United States Revenue Stamp, if any is required therefor, and such distilled spirits, wine, or malt Beverages shall have been purchased by the possessor outside of the Commonwealth, in accordance with the laws of the place where purchased, and shall have been brought into this State by said possessor.

Neither this proviso, nor any exception in the definition of this offense need be negatived in any affidavit, or indictment in any court.

SECTION 107. UNLAWFUL SALE AND POSSESSION FOR SALE OF PERSON OTHER THAN A LICENSEE.

It shall be unlawful for any person, not a licensee hereunder to sell or possess with the intent to sell, in the Commonwealth any alcoholic beverages not stamped or crowned, in accordance with this Act or upon which the required tax has not been paid. Providing however the Commissioner of Revenue in the case of Malt Beverages may order that the stamps herein provided for be affixed to invoices. All such stamped invoices shall be kept by the person whom the Commissioner shall be order direct to keep the same for a period of two years for examination by the Commissioner of his authorized agent. Any person convicted of a violation of this section shall be guilty of a felony and upon conviction shall be imprisoned in the State Penitentiary for not less than one year nor more than five years. The possession of more than one gallon of distilled spirits not stamped in accordance with this

Act shall be prima facie evidence of possession with the intent to sell.

SECTION 108. UNLAWFUL FOR DISTILLER OR RECTIFIER TO DELIVER UNSTAMPED SPIRITS.

It shall be unlawful, except as provided in Section 103½ for any Distiller or Rectifier to deliver to any licensed Wholesaler within the Commonwealth any distilled spirits unless the same shall be stamped in accordance with the terms of this Act.

SECTION 109. PUNISHMENT OF CORPORATE OFFICERS.

In event any corporation, joint stock company, association, or fiduciary, shall violate any section of this Title, then the principal officer and; or the officer or officers responsible for such violation, may be punished as provided in such section or sections.

SECTION 110. ADDITIONAL PENALTIES.

In event any person shall violate any provisions of this Title or any Section thereof, for which no specific penalty has been Provided, such person shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than Fifty (\$50.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, or by imprisonment of not more than one year, or both such fine and imprisonment.

SECTION 111. FORGING OR COUNTERFEITING STAMPS OR PAPERS PROHIBITED.

If any person shall forge, counterfeit, or alter any stamp, crown, receipt or writing provided for by any provision of this Act with intent to defraud the Commonwealth, or if he shall be concerned in manufacturing, printing, writing, signing, uttering or passing any such forged and counterfeit

papers or crowns (whether passed separately or attached to a retail container as above described) knowing the same to be forged and counterfeit, he shall be confined in the Penitentiary not less than two nor more than ten (10) years.

SECTION 112. DISPOSITION OF REVENUE.

All Brewers of malt beverages licensed hereunder are hereby authorized to deduct from the amount of tax collected under the provisions of this Title, three (3%) per cent of said amount to cover expenses incident to the reporting and remitting of such tax as provided in this Act.

SECTION 112½. REBATE OF TAX.

Any Wholesaler or Special Wholesaler returning alcoholic beverages to any licensed or non-resident Distillery or Rectifier upon which the Excise Tax has been paid and stamps affixed as herein provided shall be entitled to a refund of such tax so paid, by furnishing the Commissioner of Revenue with satisfactory evidence that such intoxicating liquor has been returned to such Distillery or Rectifier and the revenue stamps thereon destroyed. There is hereby appropriated from the General Expenditure Fund a sufficient sum of money to refund the taxes as hereinbefore provided.

No refund shall be allowed unless the alcoholic beverages were returned to the Distiller or Rectifier by Common Carrier.

SECTION 113. OPENING CASES AND STAMPING BY WHOLESALERS.

Any wholesaler is hereby authorized to open any case bearing a Special Excise Stamp and to stamp the immediate containers thereof with Consumer's Excise Stamp. After affixing the Consumer's Excise Stamp, said Wholesaler may sell said distilled spirits for resale or consumption within the Commonwealth. Any Wholesaler opening the cases, as afore-

said, and stamping the containers of distilled spirits with Consumer's Excise Stamps, shall be entitled to a refund of 24c expended to pay the tax evidenced by the Special Excise Stamp. The Commissioner shall prescribe rules and regulations to carry out the provisions of this Section.

TITLE VIII.

APPROPRIATIONS.

SECTION 114. APPROPRIATION FOR EXPENSES OF STATE BOARD.

(a) There is hereby appropriated out of the State Treasury, to be paid out of the revenues collected under the provisions of this Act, the sum of \$20,000.00, for the period ending June 30, 1938, and the sum of \$50,000.00, annually thereafter for the payment of the salaries and expenses of the State Alcoholic Beverage Board, of the Department of Revenue, and the employees of the Board.

(b) There is hereby appropriated out of the State Treasury, to be paid out of the revenues, collected under the provisions of Section 91, Sub-section (b) the sum of \$60,000.00, for the period ending June 30, 1938, and the sum of \$180,000.00, annually thereafter for the purpose of carrying into effect the provisions of Section 119 of this Act.

(c) All funds herein appropriated, not expended or obligated at the end of each year, shall be covered through the Department of Finance into the State Treasury and credited to the General Expenditure Fund.

(d) There is hereby appropriated a sufficient sum to cover all refunds and rebates of Excise Tax under Sections 112½ and 113 for each fiscal year hereafter, to be paid out of the General Expenditure Fund in the same manner that other obligations of the Commonwealth are paid. No further appropriation shall be required to authorize the refunds above referred to, and same shall be made whether the payments

are voluntary or involuntary and whether said payments were made under protest or not.

(e) Each of the appropriations above shall continue until the expiration of the next regular session of the General Assembly and until any law passed by the said General Assembly in lieu thereof becomes effective.

(f) All other funds and revenue collected under the provisions of this Act, not otherwise appropriated, are hereby appropriated to and shall become part of the General Expenditure Fund.

TITLE IX.

ENFORCEMENT AGENCIES

SECTION 115. POWERS AND DUTIES OF THE COMMISSIONER AND THE DEPARTMENT OF REVENUE.

A. The Commissioner of Revenue and the Department of Revenue are hereby charged with the performance of all duties required of the Commissioner of Revenue by this Act provided, however, the State Alcoholic Beverage Board shall perform only the duties specifically imposed upon it by this or any other Act. The said Department and Commissioner, in addition to the performance of such duties, shall have the power and authority to promulgate rules and regulations not inconsistent with this Act, for the proper enforcement and collection of all taxes herein levied.

B. The Department of Revenue and the Commissioner thereof are vested with the authority and required to perform the following duties:

(1) Supervise the conduct of business at the premises of every licensee;

(2) To inspect and examine the premises of any licensee at any time;

(3) To seize property and alcoholic beverages used and possessed in violation of this Act;

(4) To examine books, records, papers, files, equipment, and inventory of all licensees or carriers;

(5) To examine witnesses under oath relating to matters of taxation or relating to any of the duties imposed upon the Department by this Act.

(6) To appoint, subject to the provisions of Section 4618-90 (Reorganization Bill) of Carroll's Kentucky Statutes, 1936 Edition, and remove such employees, Field Representatives, Assistants and Special Enforcement Officers, as may be necessary for the proper performance of duties required hereunder, and shall fix their compensation within the appropriation therefor.

(7) To require all Administrators, employees, assistants, and Field Representatives to execute a bond as provided in Section 6 of this Act, in such penal sum as the Commissioner shall deem necessary, conditioned upon the proper and faithful performance of their duties and a satisfactory accounting of all monies received or disbursed by such employees. The expense of procuring such bonds shall be paid by the Department of Revenue, from the appropriation herein. No person shall be appointed as an employee, Administrator, assistant, or Field Representative, if the provisions of Section 5 of this Act, would disqualify such person as a member of the State Board. The provisions of Section 7 of this Act shall be applicable to all employees, assistants, Administrators and Field Representatives, of the Department of Revenue administering and enforcing this Act, shall be removed from his office or position by the Commissioner of Revenue, instead of the State Board.

C. The Commissioner may establish a Distilled Spirits Unit of the Department of Revenue and delegate the performance of all duties required of him or any part thereof, in relation to traffic in distilled spirits and wine, to an Administrator of such Unit.

The Commissioner may establish a Malt Beverage Unit of the Department of Revenue and delegate the performance

of all duties required of him or any part thereof, in relation to traffic in Malt Beverages, to an Administrator of such Unit.

Such Administrators shall be appointed and their salaries fixed by the Commissioner of Revenue, in accordance with Section 4618-154 (Reorganization Bill) of Carroll's Kentucky Statutes 1936 Edition, and they shall be exempt from the test provided for in Section 4618-90 (Reorganization Bill) of Carroll's Kentucky Statutes, 1936 Edition.

D. The Commissioner may delegate the powers to be exercised by such Administrators by rules and regulations, which said rules and regulations shall be filed with the State Alcoholic Board, before such Administrator shall be permitted to exercise the functions and powers delegated. After the filing of such rules and regulations with the said Board, the said Administrator shall be authorized and empowered to exercise all of the powers of the Commissioner delegated to thereby, and said rules and regulations may be amended or rescinded at any time by the Commissioner.

SECTION 116. POLICE POWERS OF COMMISSIONER, OFFICERS AND EMPLOYEES OF THE DEPARTMENT OF REVENUE.

The Commissioner of Revenue, all assistants and Field Representatives, shall have full police powers such as are now vested in Sheriffs and other peace officers, provided the jurisdiction of such Commissioner, assistants and Field Representatives shall have authority to inspect or examine any premises of any licensee at any time and shall have authority to seize property and alcoholic beverages used and possessed in violation of this Act.

SECTION 117. DUTIES OF RESPECTIVE SHERIFFS.

A. Each Sheriff of each County, in addition to the duties imposed upon him by law, is hereby specifically charged with the performance of all duties required of him by this Act.

B. Each Sheriff, in counties where the sale of alcoholic beverages is permitted, shall perform the following duties;

(1) Supervise the conduct of the business at the premises of every licensee within their respective counties, except in cities of the first and second class;

(2) Inspect and examine the premises of any licensee at any time;

(3) Seize property and alcoholic beverages used and possessed in violation of this Act;

(4) Make special reports to the State Alcoholic Beverage Board of violations of law or breaches of the peace, occurring in licensed premises;

(5) Make periodical and special reports as required by the State Alcoholic Beverage Board;

(6) Report to the Board all violations of the rules and regulations of the State Alcoholic Beverage Board;

(7) Visit the premises, for purposes of inspection, of every licensee holding a Conditional license at least once each month, except in cities of the first and second class;

(8) Serve notices and orders of the State Board when required to do so.

SECTION 118. DUTIES OF SHERIFFS IN DRY COUNTIES.

In addition to the duties now provided by law to be performed by Sheriffs of Counties in which the sale of alcoholic beverages is not permitted, said Sheriffs are specifically charged with the enforcement of all laws prohibiting the sale or traffic in non-taxed paid alcoholic beverages, and in addition to such duties, said Sheriffs shall inspect shipments of alcoholic beverages being transported through such counties, so as to determine whether or not the tax upon same has been paid.

SECTION 119. COMPENSATION OF SHERIFFS.

The Sheriff of each County of the Commonwealth, in addition to the compensation which he now receives, shall

receive for his services, under this Act, the sum of Fifteen Hundred (\$1,500.00) Dollars per annum, payable monthly, in the same manner as the salaries of State Officers are now paid.

TITLE IX.

GENERAL PROVISIONS.

SECTION 120. PRESCRIBED BOOKS AND RECORDS TO BE KEPT.

Each licensee under this Act, shall keep and maintain at the licensed premises, adequate books and records of all transactions involved in the manufacture or sale of alcoholic beverages, in the manner required by the rules and regulations of the State Alcoholic Beverage Board, and the Commissioner of Revenue. Such books and records shall be available at all reasonable times for inspection by any authorized representative of the Department of Revenue.

SECTION 121. PROHIBITIONS, RESTRICTIONS AND REGULATIONS PARTICULARLY APPLICABLE TO ALL DISTILLERS, RECTIFIERS, VINTNERS AND WHOLESALERS.

No person holding a Distiller's or rectifier's or wholesaler's License issued under this Act, and no employee, servant or agent of such licensee, shall;

(1) Be interested directly or indirectly, in any premises where any distilled spirits or wine are sold at retail; or in any business devoted wholly or partially, to the sale of distilled spirits or wine at retail by stock ownership, interlocking directorates, mortgage or lien on any personal or real property, or by any other means.

(2) Make or cause to be made any loan to any person engaged in the manufacture or sale of any distilled spirits or wine at wholesale or retail.

(3) Make any gift or render any kind of service whatsoever, except delivery service directly or indirectly, to any

person licensed under Section 23 of this Act, which in the sound judgment of the Alcoholic Beverage Board, may tend to influence such licensee to purchase the product of such distiller, rectifier, vintner or wholesaler.

(4) Enter into a contract with any holder of a retail license, issued under this Act, whereby such licensee agrees to confine his sales to distilled spirits or wine manufactured or sold by one or more such Distillers, Rectifiers, Vintners, or Wholesalers. Any such contract shall be void.

SECTION 122. NO SIGNS TO BE FURNISHED BY DISTILLERS, RECTIFIERS, VINTNERS OR WHOLESALEERS: EXCEPTION.

No Distiller, Rectifier, Vintner or Wholesaler shall furnish, or cause to be furnished, to any licensee any exterior sign, printed, electric or otherwise, except as authorized by the rules and regulations of the State Alcoholic Beverage Control Board, and no sign shall ever be displayed on the exterior of the premises of any licensee advertising any brands of alcoholic beverages.

SECTION 123. NO SOLICITATION WITHOUT LICENSE.

No agent or solicitor of any Distiller or Rectifier, shall solicit, order or offer for sale, any distilled spirits or wine, irrespective of whether such sale is to be made within or without this Commonwealth, unless such person shall have a Special Agent's or Solicitor's License.

SECTION 124. WHOLESALEERS TO SELL FOR CASH ONLY.

No Wholesaler shall sell any distilled spirits or wine to any person unless the purchaser, before delivery thereof, shall pay to the Wholesaler, the price thereof by case, check, Post Office or Express Money Order; provided, however, sales by Wholesalers or Distributors to Club Licensees shall exempt from the provisions of this section. This section shall not apply to samples.

SECTION 125. NO RETAIL LICENSE FOR PREMISES
SAVE THOSE OF WHICH APPLICANT IS OWNER
OR LESSEE.

No license for the sale of alcoholic beverages at retail, shall be granted for any premises, unless the applicant for the license shall be the owner thereof, or shall be in possession of said premises under a written lease for a term of not less than the license period.

SECTION 126. NO RETAIL SALES EXCEPT FROM
PREMISES LOCATED ON STREET LEVEL; EXCEP-
TION.

No premises shall be licensed for the sale of alcoholic beverages at retail, except where the licensed premises and the entrance thereto, are on the street level and located in a business center; provided, however, that this provision shall not apply to any Club or to a hotel, Drug Store or Restaurant, where such Hotel, Drug Store or Restaurant, shall have been bona fide in business as a licensee in premises located above or below the ground floor, for at least one year next preceding the date of the filing of an application for a license under this Act.

SECTION 127. ALL RETAIL PREMISES MUST PRO-
VIDE A CLEAR VIEW FROM THE ENTRANCE.

The entrance of any premises, for which a retail license has been issued under this Act, shall be of clear glass and the premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk; or, if the premises be not on the street level, from the entrance. There shall be no partition, box, stall, screen, curtain or other device to obstruct the view or the general observation of persons; provided, however, that partitions, sub-divisions or panels that are not higher than forty-eight inches from the floor shall not be construed as obstructing the view or the general observation of persons; provided, however, that parti-

tions, sub-divisions or panels that are not higher than forty-eight inches from the floor shall not be construed as obstructing the view or the general observation of persons; and provided further that any license to any bona fide Hotel or Club shall entitle the holder of such license to serve such alcoholic beverages as such holder is licensed to sell, in a separate room or rooms at banquets or dinners or where meals are served.

SECTION 128. NO RETAILING NEAR SCHOOL, HOSPITAL, CHURCH OR OTHER PLACE OF WORSHIP: EXCEPTION.

No license for the sale of alcoholic beverages at retail shall be granted for any premises located on the same street or avenue within two hundred feet of a building occupied exclusively as a school, hospital, church or other place of worship, without the written permission of the governing authority of such church, school, or hospital; except that, a hotel restaurant, private club or drug store, which has been bona fide in the business as a licensee at that location, for not less than one year next preceding the passage of this Act or the establishment of said church, school or hospital shall be granted a license by the Board even though located within two hundred feet of a building occupied exclusively as a school, hospital, church, or other place of worship. The measurement called for in this Section shall be taken on the street or avenue on which the licensed premises are located in a straight line from the nearest property line of the real estate on which is located the building used for such school, hospital, church or other place of worship, to the nearest property line of the real estate on which is located the building for which a license is sought.

SECTION 129. CLOSING HOURS AND TIMES.

A. Except at the premises for which a Special Privilege License has been granted, no premises for which there has

been granted a license for the sale of distilled spirits or wine at retail, shall be permitted to remain open for any purpose on Sunday or on any other day between midnight and eight o'clock A. M., or at any time during the twenty-four hours of an election day, provided, that if a licensee provides a separate department within his licensed premises, capable of being locked and closed off, within which is kept all stock of distilled spirits and wine, and all fixtures and apparatus connected with his business as a licensee, and said department is kept locked during the times mentioned above, he shall be deemed to have complied with this Section.

B. All Wholesalers shall close from midnight Saturday to midnight Sunday.

SECTION 130. GAMBLING AND DISORDERLY CONDUCT FORBIDDEN ON RETAIL PREMISES.

No person licensed to sell alcoholic beverages at retail shall cause, suffer or permit any gambling or any gambling device on the licensed premises, or cause, suffer or permit such premises to be disorderly.

SECTION 131. SALES AT RETAIL TO SPECIFIED PERSONS PROHIBITED.

No person licensed to sell alcoholic beverages at retail shall knowingly sell, give away or deliver any alcoholic beverages, or procure or permit any alcoholic beverages to be sold, given away or delivered to:

(1) A minor.

(2) An intoxicated person or a person actually under the influence of liquor.

(3) An habitual drunkard. Any person convicted of drunkenness as many as three times within the most recent twelve months period shall be deemed to be an habitual drunkard.

(4) Any one known to the seller to have been convicted of a felony attributable directly to the use of intoxicating liquors.

SECTION 132. CREDIT TRANSACTIONS BY RETAILERS PROHIBITED: EXCEPTIONS.

No holder of a license for the sale of distilled spirits and wine at retail shall sell, deliver or give away or cause permit or procure to be sold, delivered or given away any distilled spirits or wine on credit; provided, however, that if the holder of such license is a bona fide private Club, it may sell on reasonable credit to its members and provided further that if the holder of such a license be a bona fide Hotel, it may sell on reasonable credit to its registered guests.

SECTION 133. "TREATING" PROHIBITED.

There shall be no "treating" of any one at any time by any holder of any retail license issued under this Act. "Treating", as that term is used in this section, shall mean the giving away by a retail licensee of any alcoholic beverage in any quantity, or delivering same in any quantity for other than a fully monetary consideration.

SECTION 134. LICENSE NUMBER TO BE ON WINDOW OR BUILDING.

Each person holding a license to sell distilled spirits or wine at retail, for consumption off the premises, shall have printed on the front window, the licensed premises the name of the licensee, together with the inscription: "Kentucky State Retail Package Liquor No." in uniform letters not less than three and a half inches in height.

SECTION 135. NO SALES IN EXCESS OF SPECIFIED QUANTITY.

No holder of a license for the sale of distilled spirits at Retail for consumption off the premises, shall sell or deliver

to any person, at any one time, distilled spirits except in quantities of less than five gallons.

SECTION 136. DISTILLED SPIRITS OR WINE NOT TO BE SERVED EXCEPT AT TABLES.

No distilled spirits or wine shall be sold, given away or served on premises licensed under this Act, for the sale of alcoholic beverages at Retail for consumption on the premises except at tables where food may be served; provided, however, that such beverages may be sold or served except to females by a bona fide Hotel or Club licensed under this Act at a bar, counter or contrivance which is incidental to the conduct of the business of the licensed premises and is not of such a nature as to constitute a predominant part of the equipment therein. Not more than one such bar, counter or contrivance for each one hundred rooms or fraction thereof shall be permitted in any licensed hotel or club, except that, in addition to the number of bars based on room capacity as above indicated, such licensed hotel or club may have any necessary service bars, which, however, shall not be in any room in which the membes or guests or patrons of such hotel or club are invited or permitted to come. No distilled spirits or wine shall be served to any one at such service bars. Nothing contained in this Section shall be construed as meaning that food must be purchased or consumed with alcoholic beverages.

SECTION 137. FEMALE EMPLOYEES PROHIBITED.

No holder of a license for the sale of distilled spirits or wine at retail for consumption on the premises, shall employ any female as a bar maid or for any duties with respect to the sale of such beverages except to wait upon table, or serve as cashier or usher.

SECTION 138. NO CANVASSING AT RESIDENCE OR PLACE OF BUSINESS OF CONSUMER.

It shall be unlawful for any person licensed to sell dis-

tilled spirits or wine to employ any canvasser or solicitor for the purpose of soliciting or receiving an order from any consumer within the State at the residence or place of business at the place of business of any licensee.

SECTION 139. NO PEDDLING.

It shall be unlawful for any licensee or any agent, servant, or employee, to peddle alcoholic beverages from house to house of consumers, by means of a truck or otherwise.

SECTION 139½. PERSONS WHO MAY NOT BE EMPLOYED BY LICENSEES.

No licensee shall knowingly employ in connection with his business, in any capacity whatsoever, any person:

(1) Who has been convicted of a felony within five years or of any misdemeanor relating to the sale, transportation or taxation of alcoholic beverages;

(2) Is not a citizen of the United States;

(3) Within two years prior of his employment has had any license, issued under this Act or any other Act relating to the regulation of the manufacture, sale or transportation of alcoholic beverages revoked for cause, or has been convicted of a violation of any or the provisions of this Act;

(4) Is under the age of twenty one years provided, however, this shall not apply to any persons employed by a licensee, other than a retailer, who performs service as clerk, apprentice or other services not directly connected with the actual delivery of alcoholic beverages or the consumption thereof

In the event the Commissioner of Revenue, State Alcoholic Beverage Board, Local Control Board or other person shall notify any licensee in writing, that an employee, is ineligible for employment by virtue of this Section, the said employer shall terminate the employment of said employee within five days thereafter, failing which the license of the em-

ployer may be suspended. Any contract of employment made by any person ineligible for employment shall be void and unenforcable.

TITLE X.

PENALTIES AND FORFEITURES.

SECTION 140. PENALTIES FOR OFFENSES WHEN NO SPECIFIC PENALTY IS PROVIDED.

A. Except in those sections and those titles, where a specific penalty is provided for the violation of such section or for a violation of the sections of such title, any person violating any of the provisions or sections of this Act, upon conviction, shall be deemed guilty of a misdemeanor and punished by a fine of not to exceed One Thousand (\$1,000.00) Dollars, or by imprisonment not to exceed one year, or by both such fine and imprisonment. For a second, and each subsequent offense, the offender, upon conviction, shall be deemed guilty of a felony, and shall be fined a sum not to exceed Ten Thousand (\$10,000.00) Dollars, or by imprisonment not to exceed ten years in the State Penitentiary, or both such fine and imprisonment.

B. Any licensee who shall sell any beverage of alcoholic content greater than that which the licensee is licensed to sell, shall be guilty of a felony, and upon conviction, shall be punished by a fine not to exceed One Thousand (\$1,000.00) Dollars, or by imprisonment. The possession of beverages of an alcoholic content greater than that which the licensee is licensed to sell, upon the licensed premises by any license, shall be prima facie evidence that such beverages are being sold by such licensee.

C. In case the offender be a corporation, joint stock company, association or fiduciary, then the principal officer and/or the officer responsible for such violation may be punished by such imprisonment.

SECTION 140½. HOLDING FEDERAL PERMIT WITHOUT STATE LICENSE RAISES PRIMA FACIE PRESUMPTION OF DOING BUSINESS ILLEGALLY.

The holding of any United States permit, or Occupational Stamp, to traffic in alcoholic beverages, within the Commonwealth, without the corresponding requisite state and local licenses, shall in all cases be prima facie evidence that the holder of such Federal permit is trafficking in alcoholic beverages, in violation of the terms of this Act. This section shall not apply to a licensed Wholesaler holding a Retail United States Occupational Stamp.

SECTION 141. FORFEITURE OF CONTRABAND PROPERTY.

The following property is hereby declared to be contraband and subject to forfeiture:

(1) Any illicit still designed for the unlawful manufacture of intoxicating liquors, or any apparatus designed for the unlawful manufacture of spirituous, vinous, malt or intoxicating liquors. An illicit still or apparatus designed for the unlawful manufacture of intoxicating liquors, shall include (a) an outfit or parts of an outfit, commonly used, or intended to be used, in the distillation or manufacture of spirituous, vinous or malt liquors, which is not duly registered in the office of a Collector of Internal Revenue for the United States, and the burden of proving that same is so registered, shall be on the defendant or defendants under charge; (b) any and all material, equipment, implements, devices, firearms, and other property used or intended for use, directly and immediately, in connection with the illicit traffic in alcoholic beverages.

(2) Any spirituous, vinous or malt liquors in the possession of any one not entitled to possession of the same under the provisions of this Act.

(3) Any distilled spirits in the possession of any one, to which the proper Excise Stamp has not been affixed to the

container or case, as required by this Act, and any other alcoholic or malt beverage to which the proper Excise Stamp or Crown evidencing the payment of taxes, has not been affixed in the manner required by the Commissioner of Revenue.

(4) Any distilled spirits, wine or malt beverages, in a container of a size prohibited by law or prohibited to the particular party in whose possession same is found.

(5) Any motor vehicle, water or aircraft or other vehicle in which any non-tax paid alcoholic beverage may be stored, possessed or transported.

Any peace officer, including the Administrators, and Field Representatives of the Department of Revenue, are hereby authorized to seize, without warrant, any of the property declared to be contraband under this section and to hold the same subject to the order of the court which the owner or one in possession of such property has been arraigned. Upon conviction of the defendant, the court shall enter an order vesting title to all the contraband property in the Alcoholic Control Board, subject to the right of any owner or lienor of property in sub-section five (5) above, whose lien is of record, to intervene and establish his rights in such property by proving that the property was being used without the knowledge, consent or approval of such owner or lienor. If the owner of the property does so prove, the court shall order the property restored to such owner. If the lienor so proves, the court shall order a sale of the property at public auction. The expenses of keeping and selling the same, and of all valid recorded liens which are established by intervention as being bona fide, shall be paid out of the proceeds of the sale. The balance shall be paid into the State Treasury and be credited to the General Expenditure Fund. The Court shall order all sales under this Act in which lienors have an interest, to be made by the Sheriff who shall receive and be allowed the same fees as allowed for sales under execution. If the defendant be acquitted, all property seized under this section shall be returned to the owner or the person lawfully entitled to the

possession thereof, but no illicit still, or alcoholic beverages upon which the required tax has not been paid, shall be returned to any person. If the owner of any property seized under this Act, cannot be located within ninety (90) days, and during that time shall fail to apply and claim such property, or if such owner agrees to forfeiture, the title to such property shall immediately vest in the State Alcoholic Beverage Board subject to the rights of any lien claimant under this subsection.

SECTION 142. PENALTY FOR DRINKING OR BEING DRUNK IN A PUBLIC PLACE.

Except in licensed railroad or sleeping cars, any person who shall, in any public place or in or upon any passenger coach, street car, or in any other vehicle commonly used for the transportation of passengers, or in or about any depot, platform, waiting station or room, drink any intoxicating liquor of any kind, or if any person shall be drunk or intoxicated or under the influence of intoxicants in any public or private road or in any passenger coach, street car, or other public place or building or at any public gathering, he shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than ten dollars, nor more than one hundred dollars, or by imprisonment by not less than five days nor more than thirty days, or both such fine and imprisonment.

TITLE XI.

MALT BEVERAGE TRAFFIC.

ARTICLE I.—PERMITS.

SECTION 143. NO TRAFFIC IN MALT BEVERAGES WITHOUT REQUISITE LICENSE. EXPIRATION DATE OF LICENSES:

No malt Beverages shall be manufactured or in any manner trafficked in within this Commonwealth without the requisite license therefor as provided in this Act. All such

licenses shall expire on June 30th of each year. There shall be six kinds of licenses, each of which shall be different in color and design so as to be readily distinguishable from each other, to wit:

1. Brewers
2. Distributors
3. Retailers
4. Transporters for Hire
5. Special Temporary License
6. Dining Car License

SECTION 144. WHEN BUSINESS MAY BEGIN:

The licenses authorized to be issued under this Act shall authorize the holder of any such license at the premises specifically designated in the license to engage in the business of a Brewery, Distributor, Retailer or Transporter for Hire as the case may be, as these terms are defined in this Act. No license shall be issued until the licensee has paid the license taxes hereinafter provided in this Act. No one shall engage in any business mentioned in this section unless such person has been issued the license provided for in this Act for such business.

SECTION 145. STATEMENT TO BE FURNISHED TO LICENSEE:

There shall be printed and furnished by the Board to each licensee a statement of the causes for which licenses may be suspended or revoked. Such statement shall be prepared by the Board and delivered to the licensee with his license, or as soon thereafter as may be practical, and the Board shall take from said licensee signed receipt stating that he has received and read said statement. Any changes in or additions to the cause for which licenses may be revoked shall also be sent by the Board to each licensee at his address as it appears in his application or amendment thereto, as soon as may be

practical after such changes in or additions to the causes for which licenses may be revoked become effective.

SECTION 146. POSTING OF LICENSES:

Before commencing or doing any business for the time for which a license has been granted said license shall be enclosed in a suitable wood or metal frame enclosing a clear glass space so that the whole of said license may be seen therein, and shall be posted and at all times displayed in a conspicuous place in the room or principal room where such business is carried on, so that all persons visiting such place may readily see the license. It shall be unlawful for any person holding a license to post such license or permit it to be posted, upon premises other than the premises licensed, or upon premises where traffic in malt beverages is being carried on by any person other than the licensee, or knowingly to deface, destroy or alter any such license in any respect. Whenever a license shall be lost or destroyed without fault on the part of the licensee or his agents or employees a duplicate license in lieu thereof shall be issued upon proof of loss satisfactory to the Board, and upon the payment of a fee of \$1.00 therefor.

SECTION 147. REFUSAL TO ISSUE LICENSE:

Any license authorized to be issued under this Act must be refused if the applicant therefor and the premises for which same is sought do not comply fully with all the terms and provisions of this Act, and with the rules and regulations of the Board, or of any ordinance relative to the regulation of the manufacture, sale, and transportation of malt beverages, or if the applicant shall have done any act for which a revocation of license would be authorized under this Act.

ARTICLE II.—LICENSE TAXES.

SECTION 148. GENERAL PROVISIONS:

Upon the granting of a license and before manufacturing,

selling or in any manner trafficking in malt beverages within this Commonwealth, any person who has been granted a license under this Act shall pay a license or licensess taxes as hereinafter provided.

SECTION 149. MANUFACTURERS LICENSE TAX:

An annual license tax in the sum of one thousand dollars (\$1,000.00) is hereby imposed on every person engaged in the manufacture of malt beverages. On payment of the tax, a license shall be issued for a period ending on the next succeeding thirtieth (30th) day of June and annually thereafter. Such license shall further permit the gift of malt beverages on premises of which the bewery is part for consumption on such premises, and shall permit the sale of quantities of not less than two and one fourth ($2\frac{1}{4}$) gallons to consumers for personal use and not for resale.

SECTION 150. DISTRIBUTORS OR WHOLESALERS LICENSE:

An annual license tax is hereby imposed on every person other than a manufacturer who sells beverages at wholesale to other persons licensed under the provisions of this Act to sell at retail, in the amount of one hundred dollars (\$100.00). On payment of the tax, a license shall be issued for a period ending on the next succeeding thirtieth (30th) day of June and annually thereafter. If any manufacturer or wholesaler, maintains more than one place of business or warehouse, agent, distributor, broker or jobber, from which orders are received or beverages are distributed, an additional license of \$100.00 shall be paid, for each separate place of business, warehouse, agent, distributor, broker, or jobber. Such license shall authorize the transportation and sale of malt beverages only to licensed retailers and to consumers for personal use not for re-sale.

SECTION 151. RETAILERS LICENSE TAX:

An annual license tax is hereby imposed on every person who sells beverages at retail in the amount of twenty-five (\$25.00) Dollars for each store or place of business operated by such person. On payment of the tax, a license shall be issued for a period ending on the next succeeding thirtieth (30th) day of June and annually thereafter.

SECTION 152. DINING CAR LICENSE TAX:

A tax of twenty-five (\$25.00) Dollars is hereby imposed on the sale of beverages on dining cars or other railroad cars, and such licenses shall be issued for the State Beverage Board. The sale of beverages upon any dining and other railroad car, shall be a misdemeanor, punishable as hereinafter in Article VII provided, unless a license be conspicuously posted in said cars.

SECTION 153. SPECIAL TEMPORARY LICENSES:

The Board is authorized and empowered to issue a special temporary license for the sale of malt beverages at retail for consumption on the premises of any regularly organized fair or racing association for a particular fair, race or race meeting conducted by such association, or for special temporary occasions such as picnics, bazars, carnivals and the like. The issuance or refusal of such special license and the exercise of the privilege granted thereby shall be subject to such rules and regulations as said Board may in each particular case deem necessary. The fee for such license shall be not less than \$5.00 nor more than \$25.00.

SECTION 154. TRANSPORTERS FOR HIRE LICENSE TAX:

An annual license tax in the sum of one hundred dollars \$100.00 is hereby imposed on every person engaged in the business of transporting by motor vehicle for hire malt beverages. Providing, however, that when applica-

tion is made after the first day of July in any year the license tax for the balance of the license year shall be computed by quarters, except that it shall in no wise be for less than one quarter of such year.

SECTION 155. LICENSE TAX COMPUTED BY QUARTERS:

When application is made after the first day of July in any year for any license tax herein imposed for the balance of the license year, the same shall be computed by quarters, except that it shall in no wise be for less than one quarter of such year.

SECTION 156. PAYMENT OF LICENSE TAXES. COUNTY LICENSES AND TAXES: PROVISIONS CONCERNING:

The fiscal court of each county in this Commonwealth in which traffic in malt beverages of any kind is permitted by law, shall have power and authority to impose and collect license fees or taxes for the privilege of engaging in the business of trafficking in malt beverages. It shall be the duty of the county clerk immediately to notify the State Board of the amount of the taxes fixed. Only such licenses may be issued as correspond, in their provisions and the business authorized to Beer Retailer's Licenses as provided in this Act. The license fees or taxes imposed shall in no event exceed twice the amount of the fees or taxes imposed in Section 148 to 151 inclusive of this Act and any amount paid to any incorporated city within the county as a license tax for the same privilege for the same year may be credited against the county license tax. The licenses authorized by this section shall be issued and the taxes collected by the county clerk who may charge a fee of fifty cents for his services for each license issued. The county clerk shall report and pay to the county treasurer at the end of each month such taxes as he has collected.

SECTION 157. CITY LICENSES AND TAXES, PROVISIONS CONCERNING.

The city council, board of aldermen, or other municipal legislative body of each incorporated city in this Commonwealth in which traffic in malt beverages of any kind is permitted by law shall have power and authority to impose and collect license fees or taxes for the privilege of engaging in the business of trafficking in malt beverages. It shall be the duty of the city clerk immediately to notify the State Board of the amount of the taxes fixed. Only such licenses may be issued as correspond in their provisions and the business authorized, to the licenses provided for in Section 143 of this Act. The license fees or taxes imposed shall in no event exceed in case of cities of the first and second class in case of Retailers' licenses five times and in case of all other licenses and in case of cities of all other classes twice the amount of fees or taxes imposed in Section 148 to 151 inclusive of this Act. The licenses authorized by this Section shall be issued and the taxes collected by the city clerk and he shall report and pay to the city treasurer at the end of each month such taxes as he has collected.

SECTION 158. CREDIT ON STATE LICENSES:

On malt beverage licenses issued by the State for any license period beginning on and after July 1st, 1939 there shall be credited on the license tax one half of any amount required to be paid to any county or to any incorporated city for the same privilege for the same year provided the amount of the tax for the State license shall in no event be reduced more than 50 percent.

SECTION 159. LOCAL LICENSES TO BE PAID:

No licensee after having obtained his state license shall engage in the business authorized by such license and for the period indicated in such license until such licensee shall have

paid to the city or county the license taxes herein provided to be paid to such city or county.

SECTION 159 $\frac{1}{2}$. PRESERVATION OF RIGHT OF EXISTING LICENSEES TO SUCH LICENSE:

Any persons, firm or corporations now holding a license or permit issued by the Division of Alcohol Control of the Department of Business Regulation permitting the manufacture, distribution or sale of malt beverages of whatsoever nature or description shall be authorized to continue to exercise the same rights and privileges which were permitted under the law at the time of the issuance of such licenses and any other right and privilege which the licenses would be permitted to exercise under this law if a similar license was issued to such person under this Act until the expiration of such license. No licensee described above shall be required to pay any further license tax, state, county and municipal until July 1st, 1938. After this Act becomes effective the revocation or suspension of such existing licenses or permits issued as aforesaid shall be in accordance with and upon the grounds set forth in this Act for the revocation or suspension of a license.

SECTION 160. WHEN REFUND OF LICENSE TAXES MAY BE MADE IN PART:

If a person to whom a license under this Act shall have been issued, against whom no complaint, prosecution or action under this Act or under any law, ordinance or regulation relative to its transactions in malt beverages and other alcoholic beverages and who has violated no rule or regulation promulgated by the Board, state or local, under the authority of this Act, shall desire to surrender said license, he shall give notice in writing to the Board stating the reason for such surrender. Such notice shall be filed in the office of the Board and the date thereof recorded and a receipt be issued

therefor and mailed to the licensee. If such surrender be tendered on or before December 31st of any year the said licensee shall be entitled to a refund on all license taxes, state or local, amount so paid, based upon the ratio the unexpired license bears to the whole license year but in no event shall such refund be made earlier than thirty (30) days from the date of the recording of the voluntary surrender in the office of the Board. Provided that if within thirty (30) days from the date of the recording of such voluntary surrender the licensee shall be arrested or indicted for a violation of, or shall violate any of the provisions of this Act or of any law, ordinance or regulation relating to the regulation of the manufacture, sale and transportation of malt beverages, or if within said period of time proceedings for the revocation of said license shall be issued or an action be commenced against such licensee for any fees, taxes, or penalties incurred because of the privilege exercised under such license, then, and in any of these events no refund shall be made to the licensee who has voluntarily surrendered his license under this Section, unless and until such licensee shall have been acquitted or the proceedings against him dismissed on the merits, or unless and until he shall otherwise have been cleared. If at the end of such thirty day period no such event shall have occurred, or, having occurred, the licensee, within such period or thereafter shall have been so cleared, then upon surrender of the receipt hereinafter provided for, he shall be paid the refund due him under this Section. If the license thus voluntarily surrendered be for premises located in a city of the first class said Board, immediately upon such voluntary surrender shall mail to the Director of Safety of such city of the first class a written notice stating the facts of the voluntary surrender, the name of the licensee whose permit was so surrendered, the address of the licensed premises theretofore licensed under such surrendered license, and the date of the surrender. If the license voluntarily surrendered by or for premises lo-

cated in any other city or county said Board shall in like manner at at like time mail a similar notice to the Sheriff of the respective county.

ARTICLE III.—UNLAWFUL PRACTICES.

SECTION 161. HOURS OF DOING BUSINESS.

It shall be unlawful for any brewer or distributor to deliver off premises any malt beverages between the hours of 7:00 p.m. and 6:00 a.m. except on Saturdays when the hours of such deliveries shall be between 6:00 a.m. and midnight.

SECTION 161½. RETAIL HOURS OF DOING BUSINESS.

It shall be unlawful for beer retailer to sell, give away or deliver any malt beverages between the hours of 1:00 a.m. and 6:00 a.m. or on Sunday between midnight and noon.

SECTION 162. RETAILER SHALL SELL FOR CASH.

It shall be unlawful for any retailer to sell or offer to sell any malt beverages for consumption on the premises where sold to any person on credit, except credits extended by a hotel or club to a bona fide guest or member. No right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause.

SECTION 163. MANUFACTURER OR DISTRIBUTOR SHALL SELL FOR CASH:

No manufacturer shall sell or offer to sell to any wholesale distributor or retail permit holder and no wholesale distributor shall sell or offer to sell to any retail permit holder and no wholesale distributor or retail permit holder shall purchase or receive from any manufacturer or wholesale distributor any malt or brewed beverages or any containers except for cash, or shall make, execute or deliver any invoices for bottled beer which do not include container charges at a

minimum of sixty cents (\$0.60) per case of twenty-four twelve ounce bottles or the equivalent thereof. No right of action shall exist to collect any claims for credit extended contrary to the provisions of this clause. Nothing herein contained however, shall prohibit a licensee from crediting to a purchaser the actual prices charged for packages or containers returned by the original purchaser as a credit on any sale or from refunding to any purchaser the amount paid by such purchaser for containers or as a deposit on containers when title is retained by the vendor, of such containers or packages have been returned to the manufacturer or distributor. Nothing herein contained shall prohibit a manufacturer from extending usual and customary credit for malt or brewed beverages sold to customers or purchasers who live or maintain places of business outside of Kentucky when the beverages so sold are actually transported and delivered to points outside of the state.

SECTION 164. UNLAWFUL TO BARTER:

It shall be unlawful for any licensee to sell, offer to sell, or furnish any malt beverages to any person on a pass-book or store order or to receive from any person any goods, wares, merchandise or other articles in exchange for malt beverages.

SECTION 165. PREMIUMS UNLAWFUL:

It shall be unlawful for any person holding a permit to sell malt beverages to offer or give anything tangible of value as a premium for the return of caps, stoppers, corks, stamps, wrappers, coupons, or labels taken from any bottle, case, barrel, or package containing such malt beverages or to offer or give anything of value as a premium, gift, or prize to induce the purchase of such malt or brewed beverages or for any other purpose in connection with the sale of such malt beverages; provided however, that this section shall not apply to the return of moneys specifically deposited for the return of the original containers to the owners thereof.

SECTION 166. ADVERTISING IN CERTAIN PLACES PROHIBITED:

It shall be unlawful for any permittee to advertise any malt beverage by trade name, trade mark or in any manner within one hundred (100) feet of any property line of any school or church, and such distance shall be by straight line, but this provision shall not apply to advertisement placed on the establishment of manufacturers or brewers or distributors in operation prior to this Act, nor to signs in position at the time of the effective date of this Act

SECTION 167. UNLAWFUL EMPLOYEES:

It shall be unlawful for any manufacturer, brewer, distributor or wholesaler, knowingly, hereafter to employ anyone in the capacity of salesman or contact man with wholesale trade, who has been within two years prior to his employment, convicted of a violation of the prohibition laws of the States or of the United States. The Board must refuse or revoke a permit where any one employs such person in the above capacity after notice has been served upon them that they had employed such person.

SECTION 168. UNLAWFUL TO POSSESS ALCOHOLIC BEVERAGES WITHOUT NECESSARY LICENSE:

It shall be unlawful for any retainer to possess or to permit spirituous vinous or alcoholic liquors or alcohol of any kind other than malt beverages, to be on his licensed premises, unless such retailer holds a permit authorizing him to handle such products. The possession by any such retailer of Federal permit or stamp covering the sale of distribution or spirituous, vinous, or alcoholic liquor or alcohol of any kind, other than malt beverages, shall be prima facie evidence of unlawful possession of such liquors.

SECTION 169. UNLAWFUL FOR LABEL TO REFER TO ALCOHOLIC STRENGTH: EXCEPTIONS.

It shall be unlawful to issue, publish or post, or cause to be issued, published or posted, by licensee any advertisement of malt beverage intended for sale in Kentucky including a label which shall refer in any manner to the alcoholic strength of the malt beverage manufactured, sold or distributed by such permittee or to use in any advertisement or label such words or numerals likely to be considered a statement of alcoholic content unless adequately explained or for any permittee to purchase, transport, sell or distribute any malt beverage advertised or labeled contrary to the provisions of this clause. Provided, however, the Director may in his discretion, require on the labels on containers of malt beverages containing not more than 3.2 per centum of alcohol by weight to so specify.

SECTION 170. UNLAWFUL TO GIVE FOOD.

It shall be unlawful for any retailer to furnish, give or sell below a fair cost any food to any customer except such articles of food as the Board may authorize and approve.

SECTION 171. UNLAWFUL TO SELL TO PERSONS ILLEGALLY SELLING MALT BEVERAGES.

It shall be unlawful for any licensee knowingly to sell any malt beverage to any person engaged in the business of illegally selling malt beverages, or to any vendor of malt beverages unless such vendor holds a permit in accordance with this Act.

SECTION 172. EXCLUSIVE OUTLETS.

It shall be unlawful for any person engaged in business as a manufacturer or brewer, distributor or shipper of malt beverages directly or indirectly or through an affiliate or subsidiary to require by agreement or otherwise, that any

retailer engaged in the sale of malt beverages, purchase any such products from such person to the exclusion in whole or in part of malt beverages sold or offered for sale by other persons.

SECTION 173. TIED HOUSES:

It shall be unlawful for any manufacturer, brewer, or distributor to induce through any of the following means any retailer engaged in the sale of malt beverages, to purchase any malt beverages from such person to the exclusion in whole or in part of malt beverages sold or offered for sale by other persons, if such person engages in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transaction in commerce in any such products, if the direct effect of such inducement is to prevent, deter, hinder, or restrain other persons from selling or offering for sale any such products to such retailer (a) by acquiring or holding (after the expiration of any existing license) any interest in any license with respect to the premises of the retailer; or (b) by acquiring any interest in real or personal property owned, occupied, or used by the retailer in the conduct of his business; or (c) by furnishing, giving, renting, lending, or selling to the retailer any equipment, fixtures, signs, supplies, money, services, or other things of value, except as the Board having due regard for the public health, the quantity and value of the articles involved, the prevention of monopoly and the practice of deception, may by regulation otherwise prescribe; or (d) by paying or crediting the retailer for any advertising, display, or distribution service subject to such exceptions as the Board may by regulation prescribe; or (e) by guaranteeing any loan or the repayment of any financial obligation of the retailer; or (f) by requiring the retailer to take and dispose of a certain quota of any of such products.

SECTION 174. COMMERCIAL BRIBERY UNLAWFUL:

It shall be unlawful for any manufacturer or brewer to induct through any of the following means, any retailer engaged in the sale of malt beverages, to purchase any such products from such person to the exclusion in whole or in part of malt beverages sold or offered for sale by other persons, if such person engages in the practice of using such means, or any of them, to such an extent as substantially to restrain or prevent transactions in any such products, if the direct effect of such inducement is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such retailer; (a) by commercial bribery; (b) by offering or giving any bonus, premium, or compensation to any officer, or employee, or representative of such retailer; or (c) by making or allowing any rebates or refunds to any officer, employee, or representative of such retailer.

SECTION 175. CONSIGNMENT SALES UNLAWFUL:

It shall be unlawful to sell, offer for sale, or contract to sell to any licensee engaged in the sale of malt beverages, or for any such licensee to purchase, offer to purchase, or contract to purchase, any such products on consignment or under conditional sale or with the privilege of return or on any basis otherwise than a bona fide sale, or where any part of such transaction involves, directly or indirectly the acquisition by such person from the licensee or his agreement to acquire from the trade buyer other malt beverages, if such person or licensee engages in such practice to such an extent as substantially to restrain or prevent transactions in any such products, or if the direct effect of such sale, purchase, offer, or contract is to prevent, deter, hinder, or restrict other persons from selling or offering for sale any such products to such licensee. Provided that this subsection shall not apply to transactions involving solely the bona fide return of mer-

chandise for ordinary and usual commercial reasons arising after the merchandise has been sold.

SECTION 176. LABELING:

The Board may in its discretion adopt any or all of the regulations of the Federal Alcohol Administration relating to labeling an advertising as the Federal Alcohol Administration may issue and promulgate under an by virtue of an Act of Congress approved August 29th, 1935. Provided however that the adoption of the regulations above mentioned shall not become effective as to any manufacturer or distributor having labels on hand that would be outlawed by such adoption until a period of 90 days from the date of such adoption

SECTION 176½. TWELVE OUNCE CONTAINERS STANDARD:

It shall be unlawful for any permittee to sell or offer for sale any pasteurized bottled, canned or jugged beer unless same be in twelve ounce containers.

SECTION 177. UNLAWFUL TO CHANGE CHARACTER OF MALT BEVERAGES AFTER SELLING IN ORIGINAL CONTAINERS:

It shall be unlawful to fortify adulterate, or contaminate malt beverages. It shall be unlawful to fortify, adulterate, contaminate, or in any wise to change the character or purity of the malt beverages from that as originally marketed by the manufacturer, or sell, deliver, or transport such beverages except in the original containers.

SECTION 177½. BOTTLING AT BREWERY:

It shall be unlawful to sell or offer for sale within the State of Kentucky any fermented malt beverages bottled or canned in any place other than the bottling house of the brewery in which such fermented malt beverages are produced.

SECTION 178. REQUIREMENTS WITH REFERENCE TO VEHICLES:

It shall be unlawful for a manufacturer or brewer or distributor except by common carrier to deliver any malt beverages excepting in vehicles bearing the name and address and permit number of such brewer or distributor, painted or affixed on each side of such vehicle in letters no smaller than four (4) inches in height. No liquor shall be delivered on same trucks with malt beverages except by common carrier.

SECTION 179. CERTAIN FINANCIAL INTEREST BY MANUFACTURERS OR DISTRIBUTORS:

Except as hereinafter provided no manufacturer or distributor shall in any wise be interested either directly or indirectly in the ownership or lease hold of any property or in any mortgage (lien) against the same for which a retail license is granted; nor shall a manufacturer or distributor either directly or indirectly lend any moneys, credit or the equivalent thereto to any retailer in equipping, fitting out or maintaining and conducting either in whole or in part an establishment or business (where malt beverages are licensed for sale) operated under a retail license. Provided however that this section shall not apply to the interest of a permittee in any mortgage or other lien taken by him to secure the payment in whole or part of any indebtedness due him by any other permittee and incurred prior to the effective date of this Act.

The provisions of this Article shall not prohibit a distributor from owning stock in any brewery.

SECTION 180. MANUFACTURERS AND DISTRIBUTORS TO MAKE TRUTHFUL INVOICES TO RETAILERS AND TO MAKE NO ALLOWANCE OR REBATES THEREFROM:

(a) It shall be unlawful for any manufacturer or Distributor, their agents or employees, to make any sale or de-

livery of any malt beverage without a written invoice made concurrently with such sale or delivery, showing prices and conditions upon which such sale or delivery is made; or to make any invoice which falsely indicates prices and terms of any sale, or to insert in any invoice any statements which make the invoice a false record, wholly or in part, of the transaction involved or represented on the face thereof, or to withhold from any invoice any statement which properly should be included therein so that in the absence of such statements the invoice does not truly reflect the transaction involved.

(b) It shall further be unlawful for any manufacturer, brewer or distributor to make, directly or indirectly through any agent or employe, and for the retailer to receive any payment of any allowance, rebate, refund, concession or discount, whether in the form of money or otherwise, not conforming with the prices and conditions of sale as shown on the invoice.

SECTION 181. SIGNS ON PREMISES:

It shall be unlawful for any retailer to advertise or permit to be advertised on the outside of any licensed premises, at any distance whatever beyond any wall of said premises, for the purpose of advertising the retailer's business, any malt beverage by trade name, trade mark or otherwise, and no advertising or display shall be permitted by him within such licensed premises so as to be visible from without such premises. Provided, however, that nothing herein contained in this section shall prevent the licensee from painting any sign on any wall on his premises, provided that said sign does not contain a trade mark or trade name of a malt beverage.

SECTION 182. LOCATION OF PREMISES:

No brewer, distributor, or retailer shall operate a place of business where malt beverages are manufactured, distributed or sold within one hundred (100) feet of the nearest

property line of any public school or church, without the written permission of such church or governing authority of such school, exception, however, a brewer or distributor or retailer engaged in such business at such location prior to the passage of this Act, and excepting further a brewer or distributor or retailer engaged in such business at such location subsequent to the passage of this Act, if at the time such business was located subsequent to the passage of this Act, it was not within one hundred (100) feet of the nearest property line of any public school or church then established.

SECTION 183. PREMISES:

The entrance doors of any premises for which a retail permit has been issued under this Act shall be of clear glass and the premises shall be so erected and maintained as to furnish a clear view of the entire premises from the sidewalk, or if the premises be not on the street level, from the entrance. There shall be no partition, box, stall, screen, curtain or other device to obstruct from the view of the general observation of persons; provided, however, that partitions, subdivisions or panels that are not higher than forty-eight inches from the floor shall not be construed as obstructing from view or the general observation of persons; and provided further that any permit to any bona-fide hotel or club or restaurant shall entitle the holder of such permit to serve such malt beverages as such holder is permitted to sell in a separate room or rooms at banquets, or dinners or where meals are served.

TITLE XII

MISCELLANEOUS PROVISIONS

SECTION 184. TRANSFER OF FUNCTIONS AND RESOURCES OF DIVISION OF ALCOHOLIC CONTROL FROM THE DEPARTMENT OF BUSINESS REGULATION TO THE STATE ALCOHOL BEVERAGE BOARD OF THE DEPARTMENT OF REVENUE:

The functions of the Division of Alcoholic Control of the

Department of Business Regulation are hereby transferred to the State Alcoholic Beverage Board of the Department of Revenue. All books, papers, records, files, office equipment, other property and pending business of the said division are likewise transferred to and vested in said Board. All employees whose functions are by this Act transferred to and vested in the State Alcoholic Beverage Board of the Department of Revenue are hereby transferred, with their functions, to the said Board and the remainder of the appropriation made for the operation of the Division of Alcoholic Control is hereby covered into the General Expenditure Fund. In connection with the transfer of the functions of the Division of Alcoholic Control of the Department of Business Regulation to the State Alcoholic Beverage Board, the said State Alcoholic Beverage Board shall be in every way the successor with respect to such functions, and to every act done in the exercise of such functions by or under the authority of the said division. In every instance in which the said division is referred to or designated in any law (not hereby repealed), contract or document, such reference or designation shall be deemed to refer to the State Alcoholic Beverage Board.

SECTION 185. EFFECT OF PARTIAL INVALIDITY:

The titles, articles, sections, sub-sections and all provisions of this Act are severable, and if any of its titles, articles, sections, sub-sections, provisions or the application thereof shall be held unconstitutional, such title, article, section, sub-section, provision or application thereof held to be invalid may be rejected without affecting the remainder of the Act, and the decisions of the courts shall not affect or impair the remaining titles, articles, sections, sub-sections, provisions of this Act or the application thereof. It is hereby declared to be the Legislative intent that this Act would have been adopted had not such unconstitutional title, article, section, sub-section or provision been included therein. It it hereby

further declared to be the Legislature's intention in enacting this Act, that each title, article, section, sub-section and provision, would have been enacted separately, except that if any provision of section 25 of this Act is held to be invalid, that the entire section shall be construed to be invalid.

SECTION 186.—CONSTRUCTION OR INTERPRETATION.

Irrespective of Title or Article headings the sections of this Act listed below shall be construed to apply to the traffic in both malt beverages and distilled spirits and wine where the context permits such application; sections 1 to 15 inclusive, section 16 with the exception of sub-section (c) thereof which shall apply only to distilled spirits and wine, section 17 to 34 inclusive, sections 39 to 43 inclusive, sections 53 to 57 inclusive, sections 59 to 116 inclusive, sections 118 to 140½ inclusive, section 92, sections 96 to 99 inclusive, sections 101 to 107 inclusive, sections 109 to 111 inclusive. The following sections shall be construed to apply to the traffic in distilled spirits and wine only; sections 22 to 27½ inclusive, section 31, sections 35 to 38 inclusive, sections 132 to 139 inclusive, section 141, section 90, section 91, sections 93 to 95 inclusive, section 103½, section 108, section 112½. Section 143 to 183 inclusive shall be construed to apply to traffic in malt beverages only and sections 44 to 51 inclusive, section 58 and section 117 shall be construed only to apply to the traffic in malt beverages in any territory where the traffic in malt beverages of any particular kind may be permitted by law although the traffic in distilled spirits and wine is prohibited therein.

SECTION 187. LAWS REPEALED:

Chapter 146 of the Acts of the General Assembly of 1934 approved March 17th, 1934, being Sections 2554B-1 to 2554B-96 inclusive excepting sections 2554B-67 and 2554B-73 of Carroll's Kentucky Statutes, 1936 Edition; Chapter VI of the Acts of the General Assembly of 1917 being Section 4214c-1,

of Carroll's Kentucky Statutes, 1936 Edition, and Chapter V of the Acts of the General Assembly at the special session of 1933 being Sections 4214D-1 to 4214D-14 inclusive, of Carroll's Kentucky Statutes, 1936 Edition; Chapter 1 of the Acts of the General Assembly at the third extraordinary session, 1936, being sections 4281C-1 to 4281C-24 inclusive excepting section 14 being section 4281C-14; and Chapter 62 of the Acts of the General Assembly, 1936, being sections 2554D-1 to sections 2554D-8 are hereby repealed and all other laws or parts of law in conflict with the provisions of this Act are hereby repealed.

SECTION 188. DECLARING AN EMERGENCY:

The present uncertainty with respect to the law governing the sale, distribution and use of alcoholic beverages constitutes an emergency, and this Act shall become a law and be effective on its passage and approval by the Governor; provided, that nothing in this Act shall be construed to require any licensee engaged in traffic in alcoholic beverages to pay an additional license tax, or procure any license hereunder, prior to the procurement of the license of the fiscal year 1938-39.

Without objection said amendment was withdrawn.

Senator Attkisson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

At this time, His Excellency, the Honorable A. B. Chandler, Governor of the Commonwealth of Kentucky, ap-

peared upon the floor of the Senate, and taking his place at the Clerk's desk, addressed the Senate concerning the merits of said bill.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	John A. Sugg, Jr.
Paul M. Basham	H. Watt Hillman	Ervine Turner
H. Stanley Blake	Leo King	Thomas O. Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Dr. D. H. Bush	Stanley B. Mayer	Otis White
Waller A. Crockett	Strother Melton	O. C. Whitfield
Edwin C. Dawson	E. C. Moore	B. M. Williams
Lee Gibson	Dr. R. C. Moss	—26

Those who voted in the negative were—

Leer Buckley	J. Lee Moore	J. E. Trager
W. C. Farmer	Ray B. Moss	J. E. Wise
Ralph Gilbert	Paul L. Sidebottom	
Wm. H. Jones, Jr.	Jos. P. Tackett	—10

Resolved that the title thereof be as aforesaid.

Senator King moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House announcing that they had passed bills which originated in that body of the following titles, viz.:

H. B. 264. An Act to require certain safety practices in building and construction work; to protect the lives of and prevent injury to employees engaged thereon; providing for the enforcement and penalty for the violation of the provisions of this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. To protect the lives and prevent injury of employees engaged in hazardous building and construction work it is hereby provided:

(a) In the construction of buildings of three and of additional stories in height there shall be placed upon points of each story thereof as soon as joists are in position, counter-floors of such quality and strength, and which shall be so placed and arranged as to render safe the going to and from thereon, and to provide adequate protection underneath of all employees and other persons engaged upon the construction, supervision or placing materials thereon;

(b) On building and construction projects requiring the use of scaffolding, staging, rigging, hoist, ladders or any other structure or mechanical contrivance used for such purpose shall be of such quality and strength and shall be so constructed, arranged and placed, as to provide safe working conditions for employees and other persons engaged upon the construction, supervision or placing of materials thereon;

(c) On building and construction projects requiring the erection of temporary falsework and use of temporary supports to hold heavy loads where employees or other persons

are required to work or place materials upon or around, such falsework and supports shall be of such quality and strength and shall be so constructed, arranged and placed as to provide safe working conditions.

§ 2. Whoever being the owner, leasee, agent, architect or contractor engaged in and having supervision, control or charge of a building or or construction project, found to be in violation of the provisions of this Act, shall be fined not more than one hundred dollars (\$100.00) nor less than fifteen dollars (\$15.00). Each day that such person, firm, corporation or contractor neglects or refuses to comply with the notice issued by the Commissioner of Industrial Relations to comply with the provisions of the Act shall be considered a separate violation and a separate fine shall be decreed by the Court.

§ 3. It is hereby made the duty of the Commissioner of Industrial Relations to secure compliance and to prosecute violations of the provisions of this Act, and such rules when issued shall be observed by all persons, firms, corporations and contractors subject to the provisions of this Act. Nothing in this Act shall be deemed to repeal or be in conflict with the provisions of Chapter 124 of the Acts of 1926 relating to the requirement of proper construction, use and maintenance of scaffolding, counter-floors, staging, rigging, etc., in construction as applies to cities of the first and second class.

H. B. 269. An act to repeal Section 3011 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to licenses of cities of the first class and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3011 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to licenses of cities of the first class, be and the same hereby is repealed.

§ 2. Inasmuch as it is necessary to increase the resources of the Sinking Fund of cities of the first class to pay the bonded debt of such cities at the earliest possible date, an emergency exists and is hereby declared, and this act shall take effect from and after its approval by the Governor.

H. B. 285. An Act providing for definition of terms used; providing for system of fixing prevailing rates of wages and establishing a legal work day and a legal work week on public works; providing the method of fixing prevailing rate of wages required in public works, contracts and of public authorities; providing the duty of contractors and public authorities to pay the prevailing rate of wages fixed; providing for enforcement, assistance and penalty for the violation of this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *Definitions:* (a) The term "public authority", as used in this Act, shall mean any officer, board, or commission of the Commonwealth, or any political subdivision thereof, or any county or also any institution supported in whole or in part by public funds and this Act shall apply to expenditures of such institutions made in whole or in part from public funds, authorized by law to enter into a contract for the construction of a public works or to construct the same by the direct employment of labor.

(b) The term "construction", as used in this Act, shall mean any construction, reconstruction, improvement, enlargement, alteration or repair of any public works fairly estimated to cost more than three hundred dollars.

(c) The term "public works", as used in this Act, shall mean to include all buildings, roads, streets, alleys, sewers, ditches, sewage disposal plants, water works and all other structures or works constructed by the Commonwealth or any

political subdivision thereof, or county or subdivision thereof, or incorporated city or subdivision thereof, except maintenance work on roads under supervision of State Highway Commission or county authorities.

(d) The term "locality", as used in this Act, shall mean the county wherein the physical work upon any public works is being performed.

§ 2. *Prevailing Wages Provided*: It shall be the duty of any public authority authorized to contract for or construct with its own forces for public works before advertising for bids or undertaking such construction with its own forces, to have the Department of Industrial Relations ascertain and determine the prevailing rates of wages of mechanics and laborers for the class of work called for by the public works, in the locality where the work is to be performed; and such schedule of wages shall be attached to and made a part of the specifications for the work, and shall be printed on the bidding blanks where the work is done by contract. The minimum rate of wages for common laborers, on work coming under the jurisdiction of the State Highway Department, is in accordance with Section 3 of this Act. This Act shall not apply to public works in any case where the Federal Government or any of its agencies furnishes by loan or grant all or any part of the funds used in constructing such improvements, provided the Federal Government or any of its agencies prescribe predetermined minimum wages to be paid to mechanics and laborers employed in the construction of such improvement.

§ 3. *Method Determining Prevailing Wages*. The wages to be paid for a legal day's work, as hereinbefore prescribed in Section 2 of this Act, to laborers, workmen or mechanics upon such public works shall not be less than wages paid in the same trade or occupation in the locality where such public work is being performed, under collective agreements between bona fide organizations of labor and employers, at the date such contract is made, and in the event there be no such agreement then not less than the prevailing rate of wages to be

determined as provided in Section 2 of this Act. Serving laborers, helpers, assistants and apprentices shall not be classified as common labor and shall be paid not less than the wages in the locality as a result of collective agreement, and if no such agreement exists, shall be paid not less than the prevailing rate of wages to be ascertained as provided in Section 2 of this Act. Where contracts are not awarded or construction undertaken within six months from the date of the establishment of the prevailing rate of wages as provided in Section 2 of this Act, there shall be a re-determination of the prevailing rate of wages before the contract is awarded.

§ 4. *Duty of Contractors and Public Authority to Pay Prevailing Rate of Wages:* (a) In all cases where any public authority shall fix a prevailing rate or rates of wages as herein provided under the terms of this Act, and the work is done by contract, the contract executed between the public authority and the successful bidder shall contain a provision requiring the successful bidder and all of his subcontractors to pay a rate or rates of wages which shall not be less than the rate or rates of wages so fixed. It shall be the duty of the successful bidder and all his subcontractors to strictly comply with such provisions of the contract.

(b) Where a public authority constructs a public works with its own forces, it shall be the duty of such authority to pay a rate or rates of wages which shall not be less than the rate or rates of wages so fixed as herein provided under the terms of this Act. Any mechanic or laborer paid less than such rate or rates by any public authority shall have a right of action against such public authority for the difference between the fixed rate of wages and the amount paid to him, and in addition thereto, a penalty equal in amount to such difference.

(c) All contractors and subcontractors required by the terms of this Act and the action of any public authority to pay not less than the prevailing rate or rates of wages shall make a full payment of such wages in lawful money of the United

States, without any deductions for food, sleeping accommodations, transportation, use of small tools or any other thing of any kind or description. The above provisions shall not apply where the employer and employee enter into an agreement in writing at the beginning of any term of employment covering deductions for food, sleeping accommodations, or any similar item, provided such agreement be submitted by the employer to the public authority fixing the rate or rates of wages and be approved by such public authority as fair and reasonable. All contractors or subcontractors falling within or affected by the terms of this Act shall keep full and accurate payroll records covering all disbursements of wages to their employees to which they are required to pay not less than the prevailing rate or rates of wages. Such payroll records shall not be destroyed or removed from the Commonwealth for a period of one year following the completion of the improvement in connection with which the same are made.

§ 5. *Legal Work Day and Legal Work Week on Public Work:* It shall be the duty of every public authority authorized to contract for public works before advertising for bids to include with the schedule of wages as herein provided by the terms of this Act, that no laborer or mechanic shall be required to work more than eight hours in one calendar day, which shall constitute a legal day's work, or more than forty hours in one week, which shall constitute a legal work week, except in cases of emergency caused by fire, flood or damage to life or property. The limitation of work hours as provided in this section, shall be made part of the specifications for the work and shall be printed on bid blanks where the work is done by contract. No laborer or mechanic shall be required to work more than eight hours in any one calendar day, nor more than forty hours in any one week, except in cases of emergency caused by fire, flood, or damage to life or property on the construction of public works where a public authority constructs such an improvement with its own forces. Any laborer or me-

chanic worked in excess of eight hours per day and forty hours per week except in cases of emergency as herein provided shall be paid double the prevailing rate or rates of wages as fixed under the terms of this Act for all overtime worked, and any laborer or mechanic shall have a right of action for the collection of overtime wages worked for either a contractor or subcontractor or public authority. The determination of exception provided in this section or when an emergency exists, shall be made jointly by the public authority letting the contract and the Department of Industrial Relations, and their decisions shall determine whether or not the laborer or mechanic shall be paid double wages for overtime.

§ 6. *Enforcement Assistance:* Any laborer or mechanic employed on public works within the terms of this Act may file a complaint of the violation of the provisions of this Act and of the failure to pay the prevailing rate or rates of wages fixed and of working in excess of the legal work day and work week provided by this Act with the Department of Industrial Relations, and it shall be the duty of this Department to assist the laborer or mechanic in the collection of claims of wages due him. It is hereby further provided that the Department of Industrial Relations shall assist to the fullest extent in the administration and enforcement of this Act.

§ 7. *Penalty:* Any contractor or subcontractor who shall violate the wage and work hours provision provided in contracts under the provisions of this Act, or shall suffer, permit or require any employee to work for less than the rate of wages so fixed, shall be fined not less than \$15.00 or more than \$100.00.

H. B. 358. An Act providing for the levy of a tax by Cities of the First Class to provide a fund for Boards of Education in Cities of the First Class for the purchase of sites for school buildings, for the erection of school buildings and the complete equipping thereof and for the major altera-

tion and enlargement of existing buildings and the complete equipping thereof.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to other taxes now levied by Cities of the First Class for school purposes, said Cities may annually levy a tax of not less than 4 cents nor more than 10 cents on each One hundred (\$100) dollar valuation of property assessed by said Cities, to provide a fund for Boards of Education in Cities of the First Class for the purchase of sites for school buildings, for the erection of school buildings and the complete equipping thereof and for the major alteration and enlargement of existing buildings and the complete equipping thereof.

§ 2. The proceeds from said taxes when collected by said Cities shall be paid over to the Boards of Education in said Cities, and may be accumulated over a period of years. Such taxes shall be kept in a separate account designated as "School Building Fund", and shall be used only for the purposes enumerated in Section 1 hereof, and at such times as the Board shall determine.

§ 3. Said fund shall be kept in the selected depository or depositories of the Boards, or invested in bonds of the United States Government, Commonwealth of Kentucky or of said Cities of the First Class. Such bonds may be sold by the Boards when necessary to provide cash for said building fund.

§ 4. All expenditures from said fund for the purchase of sites, for the erection of school buildings and the equipping thereof, or the alteration or enlargement and equipping thereof, shall be made in accordance with the general school laws of the Commonwealth of Kentucky.

§ 5. The Boards of Education in said Cities shall annually file a report with the Mayor thereof, showing the con-

dition of said fund, together with a detailed report of all expenditures.

H. B. 368. An Act to provide for the investigation and study of wages of women and minors employed in trade and industry in the state of Kentucky; for the determination and establishment of minimum fair wages for such workers; for the purpose of preventing unfair and oppressive exploitation of such workers, and providing penalties therefor; setting forth a declaration of public policy; defining certain terms; providing for administration thereof; appropriating money for the administration thereof; and setting up duties and powers therefor; Providing for judicial review under certain circumstances; providing for maintenance of records and reports; providing for penalties for violation and/or non-observance thereof in whole or in part; providing for a separability clause; repealing conflicting laws and for other purposes, and providing for certain exemptions.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Preamble:

The employment of women and minors in trade and industry in the State of Kentucky at wages unreasonably low and not fairly commensurate with the value of the services rendered is a matter of grave and vital public concern. Many women and minors employed for gain in the State of Kentucky are not as a class upon a level of equality in bargaining with their employers in regard to minimum fair wage standards, and "freedom of contract" as applied to their relations with their employers is illusory. Since a very large percentage of such workers are obliged from their week-to-week wages to support themselves and others who are dependent upon them in whole or in part they are, by reason of their

necessitous circumstances, forced to accept whatever wages are offered them. Judged by any reasonable standard, wages are in many cases fixed by chance and caprice, and the wages accepted are often found to bear no relation to the fair value of the service rendered. Women and minors employed for gain are peculiarly subject to the over-reaching of inefficient, harsh or unfair employers and under unregulated competition where no adequate machinery exists for the effective regulation and maintenance of minimum fair wage standards, the standards such as exist tend to be set by at least conscionable employers. In the absence of any effective minimum fair wage rates for women and minors, the constant lowering of wages by unscrupulous employers constitutes a serious form of unfair competition against other employers, reduces the purchasing power of the workers, and threatens the stability of industry. The evils of oppressive, unreasonable and unfair wages as they affect women and minors employed in the State of Kentucky are such as to render imperative the exercise of the police power of the State for the protection of industry and of the women and minors employed therein and of the public interest of the community at large in their health and well-being and in the prevention of the deterioration of the race.

§ 2. Definitions as used in this Act:

a. "Commissioner shall mean the Commissioner of Industrial Relations.

b. "Wage Board shall mean a board created as provided in Section 6 of this Act.

c. "Woman" shall mean a female of twenty-one years or over.

d. "Minor" shall mean a person of either sex under the age of twenty-one years.

e. "Occupations" shall mean an industry, trade, or business or branch thereof or class of work therein in which women or minors are gainfully employed, but shall not include

domestic service in the home of the employer or labor on a farm.

f. "An oppressive and unreasonable wage" shall mean a wage which is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health.

g. "*A fair wage*" shall mean a wage fairly and reasonably commensurate with the value of the service or class of service rendered. In establishing a minimum fair wage for any service or class of service under this Act the Commissioner and the wage board, without being bound by any technical rules of evidence or procedure (1) shall take into account the cost of living and all other relevant circumstances affecting the value of the service or class of service rendered, and (2) shall consider the wages paid in the State for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards.

h. "A directory order" shall mean an order the violation of which is not subject to the penalties prescribed in section 18 (b) of this Act.

i. "A Mandatory order" shall mean an order which is subject to the penalties prescribed in section 18 (b) of this Act.

j. The masculine gender, when referred to in this Act, shall include the feminine.

§ 3. It is hereby declared to be against public policy for any employer to employ any woman or minor in an occupation in this State at an oppressive and unreasonable wage as defined in Section 2 of this Act and any contract, agreement or understanding for or in relation to such employment shall be null and void.

§ 4. Administrative Agency—powers and duties.

a. (1) The Commissioner of Industrial Relations is authorized to administer the provisions of this Act, and shall employ such clerical, technical, and professional assistance as he deems necessary to effectuate the purposes of this Act.

Salaries and duties shall be determined by the Commissioner of Industrial Relations.

b. The Commissioner or his authorized representative shall have full power and authority; and it shall be his duty;

1. To investigate and ascertain the wages of women and minors employed in any occupation in the State;

2. To enter the place of business or employment of any employer of women and minors in any occupation for the purpose of examining and inspecting any and all books, registers, pay rools, and other records of any employer of women or minors that in any way appertain to or have a bearing upon the question of wages of any such women or minors and for the purpose of ascertaining whether the orders of the Commissioner have been and are being complied with; and

3. To require from such employer full and correct statement in writing when the Commissioner or his authorized representative deems necessary, of the wages paid to all women and minors in his employment.

c. The Commissioner shall have power to administer oaths and to require by supoena the attendance and testimony of witnesses, the production of all books, records, and other evidence relative to any matters under investigation. Such subpoena shall be signed and issued by the Commissioner and shall be served and have the same effect as if issued out of the Circuit Court. The Commissioner shall have power to cause depositions of witnesses residing within or without the State to be taken in the manner prescribed for like depositions in civil actions in the Circuit Court.

§ 5. Appropriation.

There is hereby appropriated the sum of \$25,000.00 for the purpose of carrying into effect and administering the provisions of this Act for the next biennium.

§ 6. Wage investigation and appointment of Wage Boards.

The Commissioner shall have the power, and it shall be his duty, on the petition of 50 or more residents of the State,

to cause an investigation to be made by him or his authorized representative, of the wages being paid to women or minors in any occupation to ascertain whether any substantial number of women or minors in such occupation are receiving oppressive and unreasonable wages as defined in section 2. If, on the basis of information in the possession of the Commissioner, with or without a special investigation, he is of the opinion that an essential number of women or minors in any occupation or occupations are receiving oppressive and unreasonable wages as defined in section 2, he shall request the Governor to appoint a wage board upon the establishment of minimum fair rates for such women or minors in such occupation or occupations.

§ 7. Wage Boards.

a. A wage board shall be composed of nine members, three persons to represent employers in any occupation or occupations, an equal number of qualified employee representatives in such occupation or occupations and three disinterested persons representing the public, one of whom the Governor shall designate chairman. The Governor shall appoint the members of such wage board, the representatives of the employers and employees to be selected so far as practicable from nominations submitted by employers and employees in such occupation or occupations. Two-thirds of the members of such wage board shall constitute a quorum, and the recommendations or report of such wage board shall require a vote of not less than a majority of all members present. The Commissioner shall make and establish from time to time rules and regulations not inconsistent with this section governing the mode of procedure.

b. A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of all books, records, and other evidence relative to any matters under investigation. Such subpoena shall be signed and issued by the Chairman of the wage board, and shall be served and have the same effect as if is-

sued out of the Circuit Court. A wage board shall have power to cause depositions of witnesses residing within or without the State to be taken in the manner prescribed for like depositions in civil actions in the Circuit Court.

c. The Commissioner shall present to a wage board promptly upon its organization all the evidence and information in the possession of the Commissioner relating to the wages of women or minor workers in the occupation or occupations for which the wage board was appointed, and all other information which the Commissioner deems relevant to the establishment of a minimum fair wage for such women and minors, and shall cause to be brought before the Board any witnesses whom the Commissioner deems material. A Wage board may summon other witnesses or call upon the Commissioner to furnish additional information to aid it in its deliberations.

d. Within sixty days of its organization a wage board shall submit a report including its recommendations as a minimum fair-wage standards for the women and minors in occupation or occupations, the wage standards of which the wage board was appointed to investigate. If its report is not submitted within such time the Commissioner may request the Governor to appoint a new wage board.

e. A wage board may differentiate and classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair wage rates for different classes of employment. A wage Board may also recommend minimum fair wage rates varying with localities if in the judgement of the wage board conditions make such local differentiation proper and do not affect an unreasonable discrimination against any locality.

f. A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation or occupations, which scale of learners' and apprentices' rates may be less than the regular minimum fair wage rates recommended

for experienced women or minor workers in such occupation or occupations.

g. In addition to its wage report a wage board may separately recommend such administrative regulations as it may deem appropriate to safeguard the minimum fair wage standards recommended in its report.

§ 8. Action following wage board report.

a. A wage board shall submit its report and proposed administrative regulations to the Commissioner, who may within ten days thereafter accept or reject such report. During such ten days the Commissioner may confer with the wage board which may make such changes in the report or proposed administrative regulations as it may deem fit. If the report is rejected, the Commissioner shall resubmit the matter to the same wage board or to a new wage board, should a new one be appointed by the Governor. If the report is accepted it shall be published together with such of the administrative regulations proposed by the board and such amendments and changes thereof as the Commissioner may deem necessary or appropriate as a further safeguard to the minimum fair wage standards. Such administrative regulations may include among other things, regulations defining and governing learners and apprentices, their rates, bonuses or special pay for special or extra work, deductions for board, lodging, apparel or other items or services supplied by the employer, and other special conditions and circumstances; and in view of the diversities and complexities of different occupations and the dangers of evasion and nullification, the Commissioner may provide in such regulations without departing from the basic minimum rates recommended by the wage board such modifications or reductions of or additions to such rates in or for such special cases or classes of cases as those herein enumerated as the Commissioner may find appropriate to safeguard the basic minimum rates established.

The Commissioner shall give notice of a public hearing to be held by the Commissioner not sooner than fifteen nor

later than thirty days after such publications at which all persons in favor of or opposed to the recommendations contained in such report or in such proposed regulations may be heard.

b. Within ten days after such hearing the Commissioner shall approve or disapprove the report of the wage board. Failure of the Commissioner to act within the said ten days shall be deemed an approval of the report. If the report is disapproved, the Commissioner shall resubmit the matter to the same wage board or to a new wage board, should a new wage board be appointed. If the report is approved, the Commissioner shall make a directory order which shall define minimum fair wage rates in the occupation or occupations as recommended in the report of the wage board and shall include the regulations as approved by the Commissioner.

§ 9. Special License.

For any occupation for which minimum fair wage rates have been established, the Commissioner may cause to be issued to any woman or minor, including a learner or apprentice, whose earning capacity is impaired by age or physical deficiency or injury, a special license authorizing employment at such wages less than such minimum fair wage rates and for such period of time as shall be fixed by the Commissioner and stated in the license.

§ 10. Mandatory order.

If at any time after a directory minimum fair wage order has been in effect for three months and the Commissioner is of the opinion that the persistent non-observance of fair order by one or more employers is a threat to the maintenance of fair minimum wage standards in any occupation or occupations, the Commissioner may give notice of his intention to make such order *mandatory* and to announce a public hearing to be held not sooner than 15 nor more than 30 days after such publication AT which persons in favor of or opposed to a mandatory order may be heard by the Commissioner. After such hearing the commissioner may make the previous directory order or any part thereof mandatory and so publish it.

§ 11. Publication of names of employers not observing order.

If the commissioner has reason to believe that any employer is not observing the provisions of any *directory or mandatory order*, he may, on fifteen days' notice, summon such employer to appear before him to show cause why the name of such employer should not be published as having failed to observe the provisions of such order. After such hearing and the fining of nonobservance of such order by the commissioner, he may cause to be published in a newspaper or newspapers published and circulating within the State of Kentucky and/or in such other manner as he may deem appropriate, the name of any such employer or employers as having failed in the respects stated to observe the provisions of such order. Neither the commissioner nor any authorized representative of the commissioner, nor any newspaper publisher, proprietor, editor, nor any employe thereof shall be liable to an action for damages for publishing the name of any employer as provided for in this article, unless guilty of wilful misrepresentation.

§ 12. Revision of wage order.

At any time the commisisioner may on his own motion, or on petition of fifty or more residents of the State, reconsider the minimum fair wage rates set therein and reconvene the same wage board or a new wage board, should one be appointed whether or not the rate or rates contained in such order should be modified. The report of such wage board shall be dealt with in the manner prescribed in section 8 of this Act provided that if the order under reconsideration has theretofore been made mandatory in whole or in part by the commissioner under section 10, then the commissioner in making any new order or confirming any old order shall have power to declare to what extent such order shall be directory and to what extent mandatory.

§ 13. Revision of administrative regulations.

The commissioner may at any time and from time to time

propose such modifications of or additions to any administrative regulations included in any directory or mandatory order of the commissioner without reference to a wage board, as the commissioner may deem appropriate to effectuate the purpose of this Act, provided such proposed modifications or additions could legally have been included in the original order, and shall give notice of a public hearing to be held by him not less than fifteen days after such publication at which all persons may be heard in respect to such proposed modifications or additions. After such hearings the commissioner may make an order putting into effect such proposed modifications of or additions to the administrative regulations as he deems appropriate, and if the order of which the administrative regulations form a part has theretofore been made mandatory in whole or in part by the Commissioner under section 10, then the commissioner in making any new order shall have the power to declare to what extent such order shall be directory and to what extent mandatory.

§ 14. Right of Review.

All questions of fact arising under this Act except as otherwise herein provided shall be decided by the commissioner and there shall be no appeal from the decision of the commissioner on any such question of fact, but there shall be a right of review by the Circuit Court. Either party may, within twenty days after the rendition of such final order of the commissioner, by petition appeal to the Circuit Court that would have jurisdiction to try an action for breach of contract. The review is limited to determining whether or not:

- (1) The commissioner or director acted without or in excess of his powers;
- (2) The order or decision was procured by fraud;
- (3) The order or decision is not in conformity to the provisions of this Act;
- (4) If findings of fact are in issue, whether such findings of fact support the order or decision.

The Circuit Court shall enter judgment affirming, modifying or setting aside the order or decision.

§ 15. Keeping of Records.

Every employer of women and minors shall keep a record of the name, address and occupation of each such employee, together with a record of the ages of all minors under 21 years of age in his employ. He shall further keep a true and accurate record of the amount paid each pay period to each woman and minor, and of the hours worked each day and each week by each woman and minor, and such other information as the Commissioner in his discretion shall deem material and necessary. Such records shall be kept on file for at least one year after the entry of the record. Such register and record shall be open to the inspection and transcript of the commissioner or his authorized representatives at any reasonable time, and every employer shall furnish to the commissioner or his authorized representatives on demand, a sworn statement of the same and, if the commissioner shall so require, upon forms prescribed or approved by him.

§ 16. Posting of minimum wage orders.

Every employer subject to a minimum fair wage order whether directory or mandatory shall keep a copy of such order posted in a conspicuous place in every room in which women or minors are employed. Employers shall be furnished copies of orders on request without charge.

§ 17. Questioning employees.

Employers shall permit the Commissioner or any officer or employee of the division duly authorized by him to question any employee of such employer in the place of employment and during work hours in respect to the wages paid to and the hours worked by such employee or other employees.

§ 18. Penalties.

a. Any employer and his agent, or the officer or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has served or is about to serve on a wage board or has testified or

is about to testify before any wage board or in any other investigation or proceeding under or related to this Act or because such employer believes that said employee may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this Act shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty nor more than two hundred dollars.

b. Any employer or the officer or agent of any corporation who pays or agrees to pay to any woman or minor employee less than the rates applicable to such woman or minor under a mandatory minimum fair wage order shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty nor more than two hundred dollars, or by imprisonment of not less than ten nor more than ninety days or by both such fine and imprisonment, and each week in any day of which such employee is paid less than the rate applicable to him under a mandatory minimum fair wage order and each employee so paid less shall constitute a separate offense.

c. Any employer or the officer or agent of any corporation who fails to keep the records required under this Act or to furnish such records to the commissioner or his authorized representative upon request, or who falsifies such records or who fails to keep posted a copy of the minimum fair wage orders to which he is subject, as required by this Act, or who hinders or delays the commissioner or his authorized representative in the performance of his duties in the enforcement of this Act, or refuses to admit, or locks out such official from any place of employment which he is authorized by this Act to inspect, shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than twenty-five nor more than one hundred dollars, and each day of such failure to keep the records requested under this Act or to furnish to the commissioner or his authorized representative such records or other information as may be required for the proper enforcement of this Act shall constitute a separate offense.

§ 19. Collection of wages.

If any woman or minor worker is paid by his employer less than the minimum fair wage to which he is entitled under or by virtue of a mandatory minimum fair wage order he may recover in a civil action the full amount of such minimum wage less any amount actually paid to him by the employer together with costs and such reasonable attorney's fees as may be allowed by the court, and any agreement between him and his employer to work for less than such mandatory minimum fair wage shall be no defense to such action. At the requisition of any woman or minor worker paid less than the minimum wage to which he was entitled under a mandatory order the commissioner may take an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court. The commissioner shall not be required to pay the filing fee, or other costs, in connection with such action, provided, however, that the provisions of this act shall not apply to any person, firm, or corporation subject to regulation by the Public Service Commission of Kentucky.

§ 20.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 21.

All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

§ 22.

This Act shall be known as an Act to establish minimum fair wages for women and minors.

H. B. 380. An Act providing for the control of the Japanese beetle; imposing certain powers and duties on the Agri-

cultural Experiment Station; providing penalties, and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to protect the agricultural and horticultural crops of the Commonwealth from the ravages of the Japanese beetle (*Popillia japonica*) that may have been or may hereafter be within the Commonwealth of Kentucky which would seriously and destructively infest any area in the State in which it may be found, the Kentucky Agricultural Experiment Station through its Entomologist is hereby empowered to adopt and carry out such control measures as are deemed advisable.

§ 2. The Entomologist or his authorized agent shall have free access, upon previous application, within reasonable hours to any premises or containers for purposes of trapping beetles, inspecting for beetles, investigating beetles, or treating the premises for the control of the Japanese beetle. The Entomologist may employ help, purchase materials, promulgate and enforce such rules and regulations as in his discretion are necessary to accomplish the purposes of this act.

§ 3. Any person hindering the efforts of the Entomologist or his agents in carrying out the provisions of this act is guilty of a misdemeanor and subject to a fine of not less than five dollars or more than one hundred dollars for each offense, or imprisonment not exceeding ten days, or both fine and imprisonment in discretion of court or jury trying the case, and each day's hindering or refusal of access shall constitute a separate offense.

§ 4. As the Japanese beetle sought to be exterminated herein has only been discovered in the State of Kentucky this year and treatment for eradication will have to be applied within the next thirty days an emergency is declared to exist

and this act shall take effect and be in force immediately after its passage and approval by the Governor.

H. B. 388. An Act to amend and re-enact Section one hundred sixty-five a-nine (165a-9) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, relating to fees for examination of banks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section one hundred sixty-five a-nine (165a-9) of Carroll's Kentucky Statutes one thousand nine hundred thirty-six (1936) Edition, be and the same is hereby amended and re-enacted so that, when thus re-enacted, it shall read as follows:

For the report of a bank, trust company, or combined bank and trust company, a filing fee of one dollar (\$1.00) shall be paid by such institution to the *Director of the Division of Banking*.

For each examination as is now or may hereafter be provided for by law, the institution examined shall pay to the *Director of the Division of Banking* the following fees, to-wit:

On each bank, trust company or combined bank and trust company having assets of not more than \$300,000 a flat fee of \$25.00; institutions having assets of \$300,000 and not more than \$600,000 a flat fee of \$30.00; on each institution having assets of \$600,000 and not more than \$1,000,000 a flat fee of \$40.00; on each institution having assets of \$1,000,000 and not more than \$2,000,000 a flat fee of \$60.00; on each of said institutions having assets of \$2,000,000 and not more than \$4,000,000 a flat fee of \$100.00; and on each of said institutions having assets of \$4,000,000 or more a flat fee of \$200.00. *Provided however, that a fee of \$50.00 shall be paid to the Director of*

the Division of Banking for the investigation and examination incident to the granting of a charter to a proposed new bank.

II. B. 396. An Act authorizing cities of the first, second, third, fourth and fifth class, counties and other political subdivisions to aid housing projects of municipal housing commissions or of the United States of America by furnishing funds, parks, playgrounds, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid, authorizing public officers, public bodies and fiduciaries to purchase and invest in bonds issued pursuant to the Municipal Housing Commission Act, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It has been found and declared in the Municipal Housing Commission Act that in order to promote and protect the health, safety, morals and welfare of the public it is necessary to authorize and empower cities of the first, second, third, fourth and fifth class to acquire, establish, erect, maintain and operate low-cost housing projects; to vest in municipal housing commissions created as provided in that Act all powers necessary and appropriate that they may engage in low-cost housing and slum-clearance projects; and that such powers therein conferred are essential to the public interest. It is hereby found and declared that the assistance herein provided for municipal housing commissions constitutes a public use and purpose for which public moneys may be spent, and other aid given; that it is a proper public purpose for any Public Body to aid any municipal housing commission operating within its boundaries or jurisdiction or any housing project located therein, as the Public Body derives immediate benefits and advantages from such a commission or project;

and that the provisions herein after enacted are necessary in the public interest.

§ 2. The following terms, whenever used or referred to in this Act shall have the following respective meanings, unless a different meaning clearly appears from the context:

(a) "Housing Commission" shall mean any Housing Commission created pursuant to the Municipal Housing Commission Act of this Commonwealth.

(b) "Housing project" shall mean any work or undertaking of a housing commission pursuant to the Municipal Housing Commission Act, or any similar work or undertaking of the Federal Government.

(c) "Public body" shall mean any city, county, school district, authority, or other political subdivision of the Commonwealth.

(d) "Governing body" shall mean the council, board of commissioners, fiscal court, trustees, committee, commission, or other body having charge of the fiscal affairs of the Public Body.

(e) "Federal Government" shall mean the United States of America, the United States Housing Authority or any other agency or instrumentality, corporate or otherwise, of the United States of America.

§ 3. For the purpose of aiding and co-operating in the planning, undertaking, construction or operation of housing projects located within the area in which it is authorized to act, any Public Body may upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey, or lease any of its property to a housing commission or the Federal Government;

(b) Cause parks, playgrounds, recreational, community, education, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake, to be furnished adjacent to or in connection with housing projects:

(c) Furnish, dedicate, close, pave, install, grade, re-grade, plan or replan streets, roads, roadways, alleys, side-

walks or other places which it is otherwise empowered to undertake;

(d) Plan or replan, zone or rezone any part of such Public Body; make exceptions from building regulations and ordinances; any city or town also may change its map;

(e) Enter into agreements, (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with a housing commission or the Federal Government respecting action to be taken by such Public Body pursuant to any of the powers granted by this Act;

(f) Cause services to be furnished to the housing commission of the character which such Public Body is otherwise empowered to furnish;

(g) Enter into agreements with a housing commission respecting the elimination of unsafe, insanitary or unfit dwellings; and

(h) Do any and all things, necessary or convenient to aid and co-operate in the planning, undertaking, construction or operation of such housing projects.

(i) Purchase or legally invest in any of the bonds or other obligations issued pursuant to Section 10 of the Municipal Housing Commission Act, approved March 19, 1934, and any amendments thereto, and exercise all of the rights of any holder of such bonds or other obligations.

(j) With respect to any housing project which a housing commission has acquired or taken over from the Federal Government and which the housing commission by resolution has found and declared to have been constructed in a manner that will promote the public interest and afford necessary safety, sanitation and other protection, no Public Body shall require any changes to be made in the housing project or the manner of its construction or take any other action relating to such construction.

(k) In connection with any public improvements made by a Public Body in exercising the powers herein granted, such Public Body may incur the entire expense thereof. Any

law or statute to the contrary notwithstanding, any sale, conveyance, lease or agreement provided for in this section may be made by a Public Body without appraisal, public notice, advertisement or public bidding.

§ 4. Any city having a housing commission organized pursuant to the Municipal Housing Commission Act shall have the power from time to time to lend or donate money to such commission or to agree to take such action. Such housing commission, when it has money available therefor, shall make reimbursement for all such loans made to it.

§ 5. The exercise by a Public Body of the powers herein granted may be authorized by resolution of the governing body of such Public Body adopted by a majority of the members of its governing body present at a meeting of said governing body, which resolution may be adopted at the meeting at which such resolution is introduced. Such a resolution or resolutions shall take effect immediately and need not be laid over or published or posted.

§ 6. The Commonwealth and all public officers, municipal corporations, political subdivisions, and public bodies, all banks, bankers, trust companies, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all executors, administrators, guardians, trustees and other fiduciaries may legally invest any sinking funds, moneys or other funds belonging to them or within their control in any bonds or other obligations issued pursuant to Section 10 of the Municipal Housing Commission Act, approved March 19, 1934, and any amendments thereto, it being the purpose of this section to authorize the investment in such bonds or other obligations of all sinking, insurance, retirement, compensation, pension, and trust funds, whether owned or controlled by private or public persons or officers; provided, however, that nothing contained in this section may be con-

strued as relieving any person, firm, or corporation from any duty of exercising reasonable care in selecting securities.

§ 7. The powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law.

§ 8. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

§ 9. In view of the existence in cities of the first, second, third, fourth and fifth class of a shortage of safe and sanitary dwelling accommodations for persons of low income, and whereas it is urgent and necessary that this legislation be immediately enacted to enable the Commonwealth to accept the benefits afforded by the Federal Government pursuant to the United States Housing Act of 1937, an emergency is declared to exist, and this Act shall become effective from and after its passage and approval.

H. B. 397. An Act authorizing cities of the first, second, third, fourth and fifth class to adopt ordinances relating to the remedying and elimination of dwellings unfit for human habitation; providing for the remedies and procedure in connection with action taken under such ordinances and for other related purposes; and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. It is hereby found and declared that the existence and occupation of dwellings in the municipalities of this Commonwealth which are unfit for human habitation are inimical to the welfare, and dangerous and injurious to the health, safety and morals, of the people of this Commonwealth, and

that a public necessity exists for the repair or elimination of such dwellings. Whenever any municipality of this Commonwealth finds that there exist in such municipality dwellings which are unfit for human habitation due to dilapidation, defects increasing the hazards of fires, accidents or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such dwellings unsafe and insanitary and dangerous or detrimental to the health, safety or morals, or are otherwise inimical to the welfare of the residents of such municipality, power is hereby conferred upon such municipality to exercise its police powers to remedy or eliminate the aforesaid conditions in the manner herein provided.

§ 2. Upon the adoption of an ordinance finding that dwelling conditions of the character described in Section 1 hereof exist within a municipality, the governing body of such municipality is hereby authorized to adopt ordinances relating to the dwellings within such municipality which are unfit for human habitation. Such ordinances shall include the following provisions:

(a) That a public officer be designated or appointed to exercise the powers prescribed by the ordinances.

(b) That whenever a petition is filed with the public officer by a public authority or by at least five (5) residents of the municipality charging that any dwelling is unfit for human habitation or whenever it appears to the public officer (on his own motion) that any dwelling is unfit for human habitation, the public officer shall, if his preliminary investigation discloses a basis for such charges, issue and cause to be served upon the owner of and parties in interest in such premises a complaint stating the charges in that respect and containing a notice that a hearing will be held before the public officer (or his designated agent) at a place therein fixed not less than ten (10) days nor more than thirty (30) days after the serving of said complaint; and that the owner and parties in interest shall be given the right to file an answer to the complaint and

to appear in person, or otherwise, and give testimony at the place and time fixed in the complaint.

(c) That if, after such notice and hearing, the public officer determines that the dwelling under consideration is unfit for human habitation he shall state in writing his findings of fact in support of such determination and shall issue and cause to be served upon the owner thereof an order requiring him (to the extent and within the time specified in the order) to repair, alter or improve the said dwelling to render it fit for human habitation or, at the option of the owner, to vacate and close the dwelling as a human habitation.

(d) That, if the owner fails to comply with such order within the time prescribed, the public officer may cause the dwelling to be vacated and closed; that the public officer may cause to be posted on the main entrance of any dwelling so closed, a placard with the following words: "This building is unfit for human habitation; the use or occupation of this building for human habitation is prohibited and unlawful." Any person who shall rent, lease, or occupy, or who shall permit any person to rent, lease or occupy such building for a human habitation shall be liable for such fine as may be prescribed by the ordinances of the municipality.

(e) That if, after notice and hearing, the public officer determines that a dwelling is in such condition (because of dilapidation, disrepair, structural defects, or otherwise) that it is dangerous or injurious to the health or safety of the public or the occupants of dwellings or the occupants of neighboring dwellings, said public officer shall issue and cause to be served upon the owner an order requiring him to repair, alter or improve the said dwelling to the extent and within the time specified in such order, or, at the option of the owner, to remove or demolish such dwelling; that if the owner fails to comply with such order within the time prescribed, the public officer may cause such dwelling to be repaired, altered or improved in accordance with the order, or, if such repairs, alterations or improvements cannot be made at a reasonable

cost in relation to the value of the dwelling (the ordinance of the municipality may fix a certain percentage of such cost as being reasonable for such purpose), said public officer may cause such dwelling to be removed or demolished; and the cost of such repairs, alterations, improvements or removal, or demolition, shall be a lien against such real estate and assessed and collected as a special tax. If the building is removed or demolished by the public officer, he may sell the materials of such dwelling and shall credit the proceeds of such sale against the cost of the removal or demolition and any balance remaining shall be deposited in the Circuit Court by the public officer, shall be secured in such manner as may be directed by such court, and shall be disbursed by such court to the persons found to be entitled thereto by the final award or judgment of such Court; Provided, however, that nothing in this subsection shall be construed to impair or limit in any way the power of the municipality to define and declare nuisances and to cause their removal or abatement, by summary proceedings or otherwise.

§ 3. An ordinance adopted by a municipality under this Act shall provide that the public officer may determine that a dwelling is unfit for human habitation if he finds that conditions exist in such dwellings which are dangerous or injurious to the health, safety or morals of the persons using such dwellings for human habitation or to the public; such conditions may include the following (without limiting the generality of the foregoing); defects therein increasing the hazards of fire, accident, or other calamities; lack of adequate ventilation, light, or sanitary facilities; dilapidation; disrepair; structural defects, uncleanness. Such ordinance may provide additional standards to guide the public officer, or his agents, in determining the fitness of a dwelling for human habitation.

§ 4. Complaints or orders issued by a public officer pursuant to an ordinance adopted under this Act shall be served upon persons either personally or by registered mail,

but if the whereabouts of such persons is unknown and the same cannot be ascertained by the public officer in the exercise of reasonable diligence, and the public officer shall make an affidavit to that effect, then the serving of such complaint or order upon such persons may be made by publishing the same once each week for two successive weeks in a newspaper printed and published in the municipality, or, in the absence of such newspaper, in one printed and published in the county and circulating in the municipality in which the dwellings are located. A copy of such complaint or order shall be posted in a conspicuous place on premises affected by the complaint or order. A copy of such complaint or order shall also be filed in the proper office or offices for the filing of *lis pendens* notices in the county in which the dwelling is located and such filing of the complaint shall have the same force and effect as other *lis pendens* notices provided by law. The rules of evidence prevailing in courts of law or equity shall not be controlling in hearings before the public officer.

§ 5. Any person affected by an order issued by the public officer may apply to the Circuit Court for an injunction restraining the public officer from carrying out the provisions of the order, and the Court, or any judge thereof, may, upon such application, issue an order restraining the public officer pending final disposition of the cause. Hearings shall be had by the court on such applications within twenty (20) days, or as soon thereafter as possible, and shall be given preference over other matters on the Court's calendar. The Court shall hear and determine the issues raised and shall enter such final order or decree as law and justice may require. In all such proceedings the findings of the public officer as to facts, if supported by evidence, shall be conclusive. Costs shall be in the discretion of the Court. The remedies herein provided shall be exclusive remedies and no person affected by an order of the public officer shall be entitled to recover any damages for action taken by the public officer under such order or because of non-compliance therewith.

§ 6. An ordinance adopted by the governing body of the municipality may authorize the public officer to exercise such powers as may be necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including the following powers in addition to others herein granted: (a) to investigate the dwelling conditions in the municipality in order to determine which dwellings therein are unfit for human habitation; (b) to administer oaths, affirmations, examine witnesses and receive evidence; (c) to enter upon premises for the purpose of making examinations, provided that such entries shall be made in such manner as to cause the least possible convenience to the persons in possession; (d) to appoint and fix the duties of such officers, agents and employees as he deems necessary to carry out the purposes of the ordinance; and (e) to delegate any of his functions and powers under the ordinance to such officers and agents as he may designate.

§ 7. The governing body of any municipality adopting an ordinance under this Act shall as soon as possible thereafter prepare an estimate of the annual expenses or costs to provide the equipment, personnel and supplies necessary for periodic examinations and investigations of the dwellings in such municipality for the purpose of determining the fitness of such dwellings for human habitation, and for the enforcement and administration of its ordinances adopted under this Act; and any such municipality is authorized to make such appropriations from its revenues as it may deem necessary for this purpose and may accept and apply grants or donations to assist it in carrying out the provisions of such ordinances.

§ 8. The following terms whenever used or referred to in this Act shall have the following respective meanings for the purposes of this Act, unless a different meaning clearly appears from the context:

(a) "Municipality" shall mean any city of the first, second, third, fourth or fifth class in this Commonwealth.

(b) "Governing body" shall mean the general council, board, or commissioners, or other legislative body, charged with governing a municipality.

(c) "Public officer" shall mean the officer or officers who are authorized by ordinance adopted hereunder to exercise the powers prescribed by such ordinance and by this Act.

(d) "Public authority" shall mean any housing commission of a municipality, or any officer who is in charge of any department or branch of the government of the municipality or Commonwealth relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(e) "Owner" shall mean the holder of the title in fee, or a mortgagee or trustee, whose interest is shown of record or who is in possession of a dwelling, or any person in control of a dwelling, or the agent of any such person.

(f) "Parties in interest" shall mean individuals, associations or corporations who have an interest of record in or who are in possession of a dwelling.

(g) "Dwelling" means any building, or structure, or part thereof, used and occupied for human habitation or intended to be so used, and includes any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith.

§ 9. Nothing in this Act shall be construed to abrogate or impair the powers of the courts or of any department of any city to enforce any provisions of its charter or its ordinances or regulations, nor to prevent or punish violations thereof; and the powers conferred by this Act shall be in addition and supplemental to the powers conferred by any other law.

§ 10. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision

to persons or circumstances other than those to which it is held invalid, shall not be affected thereby.

§ 11. Whereas the powers conferred hereby are urgent and necessary to enable cities of the first, second, third, fourth and fifth class to provide for the remedying or elimination of dwelling accommodations which are inimical to the welfare and dangerous and injurious to the health, safety and morals of the people of the Commonwealth, an emergency is declared to exist, and this Act shall become effective from and after its passage and approval.

H. B. 417. An Act to promote the objects of the National Housing Act, as amended, by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions and trustees and other fiduciaries to make loans which are eligible for insurance under the National Housing Act as amended, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, trustees and other fiduciaries, the Commonwealth of Kentucky and any of its political subdivisions or any agency or instrumentality thereof, to invest in mortgages insured and in debentures issued by the Federal Housing Administrator and to invest in securities of National Mortgage Associations, and to use mortgages insured or debentures issued by the Federal Housing Administrator and debentures issued by National Mortgage Associations as collateral or deposit security where required by any statute of this State; and repealing Chapter 11 of the Acts of the General Assembly of 1936; and declaring an emergency.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, and

trustees, guardians, executors, administrators and other fiduciaries, subject to the laws of this State, are authorized.

(a) To make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for credit insurance by the Federal Housing Administrator, and to obtain such insurance.

(b) To make such loans, secured by real property or leasehold, as the Federal Housing Administrator insures or makes a commitment to insure, and to obtain such insurance.

§ 2. It shall be lawful for banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, trustees, guardians, executors, administrators and other fiduciaries, subject to the laws of this State, the State of Kentucky and any of its political subdivisions, or any agency or instrumentality thereof, to invest their funds and the moneys in their custody or possession, eligible for investment, in notes or bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, and in debentures issued by the Federal Housing Administrator, and also in securities issued by National Mortgage Associations.

§ 3. Wherever, by statute of this State, collateral is required as security for the deposit of public or other funds; or deposits are required to be made with any public official or department; or an investment of capital or surplus, or a reserve or other fund is required to be maintained consisting of designated securities, notes or bonds secured by mortgage or trust deed insured and debentures issued by the Federal Housing Administrator and debentures issued by National Mortgage Associations shall be considered eligible securities for such purpose.

§ 4. No law of this State requiring security upon which loans or investments may be made, or prescribing the nature, amount or form of such security, or prescribing or limiting interest rates upon loans or investments, or limiting investments of capital or deposits, or prescribing or limiting the period for which loans or investments may be made, shall be

deemed to apply to loans or investments made pursuant to the provisions of this Act.

§ 5. This Act shall be construed as powers additional to and not in derogation of existing laws.

§ 6. *Chapter 11 of the Acts of the regular session of the 1936 General Assembly of Kentucky, hereby is repealed.*

§ 7. Whereas the Congress of the United States has enacted a law entitled the "National Housing Act," and certain amendments to said Act, to relieve unemployment by providing a system of mutal mortgage insurance and encouraging the construction of new homes and the improving of housing standards and conditions, and to prevent a recurrence of a collapse of the mortgage market and the distressed selling of homes by providing for national mortgage associations to assist in refinancing mortgages and to furnish a liquid market therefor, and whereas many investing institutions organized under the laws of this State are not authorized to invest in notes or bonds secured by mortgage or trust deed insured by the Federal Housing Administrator or in securities of national mortgage associations, and the market for said notes, bonds and securities is limited by the absence of such authority, and whereas the said notes, bonds and other securities will provide a safe and readily marketable investment for all investors of this State by reason of the insurance fund and the supervision provided for by the National Housing Act, as amended, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

H. B. 237. An Act to repeal Chapter 95, being Sections 3780 to 3786, both inclusive, of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, and enacting in lieu thereof an Act relating to county patrols or county police forces, the appointment, jurisdiction, organization, equipment, maintenance, operation thereof and concerning the rights, powers and duties

of county and fiscal courts, which Act shall be designated as Sections 3380, 3881, and 3782 of the Kentucky Statutes.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Chapter 95 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, being Sections 3780, 3781, 3782, 3783, 3784, 3785 and 3786 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be and the same are hereby repealed, and that in lieu thereof there be re-enacted Chapter 95 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, and to be known as Sections 3780, 3781 and 3782 of the Kentucky Statutes, so that when the same is amended and re-enacted that said chapter and sections as amended and re-enacted shall read as follows:

Section 3780. *County courts to appoint; jurisdiction of county police.*—The county courts of the respective counties shall have and are hereby given the power, jurisdiction and authority to establish, appoint and maintain a county police force within their respective counties, all of members and officers of which shall have and are hereby given jurisdiction co-extensive with the whole county for which they are appointed. Such police force may consist of a chief of county police and not exceeding three captains of county police and such number, rank and grade subordinate to the chief and captains as the county court shall deem proper. All of the members of such county police force shall be appointed by the county judge and shall serve at the pleasure of the judge of the county court of their county. None but discreet and sober persons shall be appointed to any position on said county police force. Each of the members of said county police force shall take an oath before the judge of the county court of their county to faithfully, impartially and diligently perform the duties of their respective offices. Provided, however, that the chief officer of the county police force of any county may be designated, in the discretion of the county court of said

county, as captain or any other appropriate title, and such county police force in any county may consist of one or more commanding officers, not exceeding four as hereinabove provided for, as the county court of such county may deem proper or adequate.

Section 3781. *Rules and Regulation, Groups, Divisions, Sub-divisions, Appointment, Promotions, Transfers, Removals, Suspension, Reinstatement, Fines and Discipline, Standardization and Classification; Rights and Powers of Fiscal Courts.*—The county court shall have and is hereby granted the power to make, promulgate and amend rules and regulations for the appointment, promotion, transfer, laying-off, suspension, reinstatement, fine and removal of the personnel of the said county police force, the number of hours of each day, week or month the officers and members shall be on duty, and for the standardization and classification of all the members of said force into groups and divisions, or subdivisions, and for the organization, equipment and maintenance of said police force, subject to the rights of the fiscal court of the respective counties to fix salaries and compensation of all of the officers and employees of said police department.

Section 3782. *Compensation; Establishment and Maintenance of County Police Force, Powers, Salaries, Qualifications and Duties; Penalties; Bonds.*—The fiscal courts of the respective counties shall fix the salaries or compensation of the chief, captains and patrolmen appointed by the county judge in accordance with provisions of the Kentucky Statutes Section 3780, provided, however, that no patrolman shall be paid more than \$1800.00 per annum, no captain shall be paid more than \$2100.00 per annum; and no chief shall be paid more than \$2400.00 per annum, which salaries or compensation shall be payable in equal monthly installments out of the county levy; and further provided that no fees or other compensation shall be paid or allowed to or collected or accepted by any of the officers or members of said County Police force. The chief of police, the captains of police and patrolmen shall

be appointed by the county judge and shall serve in such capacities during the pleasure of the county court. All members of the county police force shall be citizens of the United States and shall have been bona fide residents of the county in which they are appointed for not less than two years before their appointment, and shall not be less than twenty-one years of age. The fiscal court shall, by order, fix the amount of the salary within the limitations herein provided and may within their discretion provide for motor vehicles, stations, sub-stations, places of detention, telephone, wireless, radio or other means of communication within their discretion and make appropriate levy and appropriations therefor, and may also, with the approval of the judge of the county court, direct the amount of bond to be required of each member of said county police force and may, in the discretion, provide for the payment of premiums on said bonds out of funds appropriated for said county police force.

Any chief, captain or other county police officer appointed under the terms of this Act who shall charge, claim, collect, accept or receive any fee or other compensation, in money or otherwise, other than is provided in this section, shall be guilty of a misdemeanor and upon conviction shall be fined not less than one hundred (100) nor more than five hundred (500) dollars, or imprisoned not more than six months or both so fined and imprisoned. Any person convicted of violation of this provision shall forfeit his office and shall thereafter be ineligible for appointment to an office under this Act.

The said chief, captains and patrolmen are hereby declared to be peace officers and conservators of the public peace whose duties are to conserve the peace, enforce all laws and preserve order and shall have and are hereby given the same right and the same power to arrest, search and seize as is now given by law to sheriffs of this Commonwealth, and they shall be at all times subject to the orders of the county court. Provided, however, that the members of said county

police force shall not have power to serve subpoenas, summonses and notices in civil cases.

H. B. 268. An Act relating to the exemption from taxation five hundred dollars on the real estate of any total disabled soldier, sailor, marine, or nurse and providing that sixty (62) shall constitute total disability.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That any honorably discharged soldier, sailor, marine, or nurse who shall have served ninety (90) days or more in the military or naval forces of the United States, and who is totally disabled as evidenced by pension certificate or the award of compensation, and the widow of any such sailor or marine may have the amount of five (\$500.00) hundred dollars exempted from his or her tax upon real estate, providing the amount of taxable property as shown by Tax Commissioner's list shall not exceed the amount of five (\$5,000.00) thousand dollars and the amount remaining after such exemption shall have been made shall constitute the basis of total disability for any pensioner.

§ 2. That any person desiring to avail himself or herself of the provision of this act, shall, between the first day of March and the first Monday in May, inclusive of each year, file with the Tax Commissioner of the County wherein, he or she is a resident, a sworn statement that he or she is entitled to the provisions of this act and as further evidence of indentification, submit for the county Tax Commissioner's inspection his or her pension certificate or the award of compensation: Provided, that in case any person entitled to the benefits of this act shall be under the Committeeship shall file such sworn statements as herein, provided.

§ 3. That any person making a false affidavit or statement in an attempt to obtain the benefits of this act, not being

entitled thereto, shall upon conviction thereof, be fined in any sum not less than twenty five dollars (\$25.00) nor more than one hundred (\$100.00) dollars to which may be added imprisonment for a term of not more than six months.

§ 4. This Act shall not become effective until July 1, 1940.

H. B. 286. An Act to repeal, amend and re-enact Section 2850 of the Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2850 of the Kentucky Statutes, Baldwin's 1936 Revision, be repealed, amended and re-enacted so that when repealed and re-enacted said section shall read as follows:

"Section 2850. Acquiring Property: Exemption from Taxation; Conveyance of Real Estate by the Board.—The board shall not be compelled to accept any gift or offer of land which, in its judgment, is unsuited for park purposes, or the improvement of which would entail an injudicial outlay. The title to all property acquired for park purposes shall vest in the Board of Park Commissioners, and the same, with all the improvements and equipments, shall be held in strict and inviolable trust for public park purposes, free from all taxation, imposts, or assessments; state, county, district, municipal or otherwise except, however, that the said Board of Park Commissioners may convey to the city or municipality such portions of property the title of which is vested in said Board of Park Commissioners as may be necessary and proper for the construction, extension or widening of streets, boulevards or thoroughfares or other public ways."

H. B. 288. An Act to repeal, amend and re-enact Section 2852 of the Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2852 of the Kentucky Statutes, Baldwin's 1936 Revision, be repealed, amended and re-enacted so that when repealed and re-enacted said section shall read as follows:

§ 2852. *Condemnation of property.*—Whenever, in the opinion of the board of park commissioners, property shall be needed for any park purposes contemplated in this act, either within or beyond the boundries of the city, in the county in which such city is located, the said board may, by resolution reciting such need, order the condemnation of such property, and proceedings for such condemnation shall be in the Jefferson circuit court, and conducted in the name of said board by the city attorney. Such proceedings shall be commenced by petition and summons, and carried on as nearly as may be as actions at law by ordinary proceedings are conducted. Non-residents, absent defendants or unknown owners of property shall be proceeded against by warning order as in other civil actions. In such proceedings for condemnation, the owners of distinct parts of any one general tract sought to be condemned may be included in one proceeding, or any one or more of them holding contiguous properties may be proceeded against in a separate action. The court in which such proceedings for condemnation are instituted shall make such orders, rules and judgments as will secure a fair trial by an impartial jury, which shall be summoned under order of court. Such jury shall consist of twelve free-holders of such city or county, and such trial for condemnation shall have the precedence on the docket of the court, as soon as the parties are before the court and the issues made up. The jurors in such actions for condemnation shall be sworn to ascertain and determine truly and impartially by their verdict the amount of compensation each owner will be entitled to receive if his land

or property described in the petition be condemned. And in assessing damages to the owner of the property so condemned, it shall be competent for the jury to consider the benefits and advantages, if any, that to such owner will result from the proposed improvements, and to set off the same against such damages other than for the value of the property taken. The court in which such proceedings are instituted shall have the power to assign a day for the trial of the case as soon as the petition is filed. Upon return of the verdict of the jury, the court shall enter judgment vesting in the board of park commissioners of the city the title to the property described and condemned, the said judgment to take effect upon the payment into the court by said board of the amount of money named in the verdict, and the taxed cost of the proceedings, but said board of park commissioners shall have sixty days within which to make said compensation and payment; and if the same be not made within such time, the said condemnation shall be deemed and treated as abandoned, and the verdict and judgment set aside, and proceedings dismissed at the cost of said board; but without prejudice to any subsequent proceedings.

That no proceeding now pending and undetermined for the condemnation of property for park purposes shall be affected by this Act, but the same shall be governed by existing laws

H. B. 346. An Act to repeal, amend and re-enact section 561 of Carroll's Kentucky Statutes, 1936 edition, relating to the manner of dissolution of corporations and providing the duties of the Secretary of State when application for dissolution has been filed in his office and further providing that the Secretary of State shall not dissolve any corporation until he has received a certificate of approval from the Department of Revenue, which approval shall relate to the status of the tax liability of said corporation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 561 of Carroll's Kentucky Statutes 1936 edition be repealed, amended and re-enacted so that when re-enacted said section shall read as follows:

Any corporation organized under this chapter may, by the consent in writing of the owners of the majority of its shares of stock, unless otherwise provided in the articles of incorporation, or amendments thereto, close its business and wind up its affairs; and when any corporation expires by the terms of the articles of incorporation, or by the voluntary act of its stockholders, it may thereafter continue to act for the purpose of closing up its business, but for no other purpose; and it shall be the duty of the officers to settle up its affairs and business as speedily as possible; and they shall cause notice to be published, for at least once a week for four consecutive weeks, in some newspaper printed and published in the county, if any, of the fact that it is closing up its business; and a memorandum of such dissolution signed by an authorized officer or agent of the corporation and attested by the Clerk or his Deputy, shall be made on the margin of the record in the office of the Clerk of the County Court, where the articles of incorporation are recorded; and the corporation shall send written notice thereof, signed by its authorized officer or agent, and a copy of the action of the corporation authorizing such dissolution, together with one copy of said newspaper notice as published, to the Secretary of State, who shall file same, and note such dissolution on the records, in his office; and no corporation shall be deemed to be dissolved except from the time of its compliance with the provisions of this section. For each attestation so made by the Clerk of the County Court, he shall receive twenty-five cents; and all debts and demands against the corporation shall be paid in full before the officers receive anything, provided how-

ever, it shall be the duty of the corporation making the application to withdraw from the State or dissolve said corporation to notify the Commissioner of Revenue prior to or at the time of making such application of its intention to withdraw or dissolve the said corporation and the Secretary of State shall not approve or grant the application for any corporation domiciled or authorized to do business in this State to withdraw or dissolve said corporation until the Commissioner of Revenue shall approve in writing the application of withdrawal or dissolution of such corporation. Such approval by the Commissioner of Revenue shall be conditioned solely upon the status of the tax liability of said corporation. The Secretary of State shall not grant any application for dissolution or withdrawal of any corporation domiciled or authorized to do business in this State until all tax liability to the Commonwealth of Kentucky or any of its subdivisions shall have been satisfied in full and so certified by the Commissioner of Revenue, provided however, that if the Commissioner of Revenue fails within thirty days after notice as herein provided for has been delivered to him in regard to the application for dissolution or withdrawal of any corporation domiciled or authorized to do business in this Commonwealth to file with the Secretary of State a claim for taxes due to the Commonwealth of Kentucky or any of its subdivisions, it will be the duty of the Secretary of State to construe such failure as permission and approval to grant said application for dissolution or withdrawal as the case may be. If, however, it should be later determined that said corporation so withdrawing or dissolving shall be indebted to the Commonwealth or any of its subdivisions for taxes this provision shall not be construed as relieving or discharging any tax liability to the Commonwealth of Kentucky or any subdivision or municipality thereof and any such tax may be collected as is provided by law for the collection of such taxes.

H. B. 427. An Act authorizing the Department of Rev-

enne to require the use of crowns in collection of beer taxes; authorizing rules and regulations relating thereto; making provisions for avoiding double taxation; defining terms; providing for punishment of persons who violate the act or regulations pursuant thereto; and for other purposes.

Said bill is as follows viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Notwithstanding the provisions of sections 4281c-1 to 4281c-25, Carroll's Kentucky Statutes, 1936 edition, and particularly of section 4281c-10, the Department of Revenue is hereby authorized at its discretion to prescribe that beer taxes be collected by means of tax crowns of such distinctive design as it may prescribe, or by means of both such crowns and stamps used as prescribed in the said Alcoholic Beverage Tax Act, or as may be directed by regulation. (This shall be in lieu of the methods prescribed in said Act.) In the event the said Department of Revenue shall authorize and require the use of tax crowns it shall be unlawful for any beer manufacturer (except to the extent beer is produced for export from Kentucky), distributor, or retailer to have in his possession any beer not having affixed thereto the appropriate crown or stamp as may be required; provided, however, that the Department of Revenue is explicitly required to provide by regulation means whereby no person authorized by law to import beer into Kentucky and repackage the same shall be under the necessity of paying tax on both the original package as imported into the state and also the retail container in which said beer is packaged and distributed.

It is also explicitly required if the Department shall order the use of tax crowns that the said Department devise and enforce by regulation means whereby the manufacturer, or manufacturers, of said crowns shall make bond in favor of the Commonwealth of Kentucky in an amount approved by the Department of Revenue conditioned that the said manu-

facturer, or manufacturers, will not sell or deliver said crowns to any person except on written approval of the Department of Revenue, and that in all other respects the said manufacturer, or manufacturers, will faithfully safeguard the handling and distribution of said crowns so that the tax revenues of the Commonwealth may be fully protected.

§ 2. Any violation of this act, or of any valid regulation issued pursuant thereto, shall be punished as provided by the Alcoholic Beverage Tax Act (section 4281c-22, Carroll's Kentucky Statutes, 1936 edition).

§ 3. The term "crown" as used in this act shall be construed to mean such crowns as are used for stopping bottles, lids for the closing of the cans, and stoppers of whatever material or design for sealing containers of beer, but shall not include adhesive stamps such as the Department of Revenue is, by this act, authorized to prescribe and require.

The definitions contained in the first section (section 4281c-1, Carroll's Kentucky Statutes, 1936 edition) of the Alcoholic Beverage Tax Act are hereby adopted for purposes of this act so far as applicable.

This act shall be construed in appropriate relation to the Alcoholic Beverage Act of 1936, heretofore cited, and to the Alcohol Control Act.

Ordered that said bills be printed and referred to the Committee on Rules.

The message which was received from the House further announced that they had passed bills which originated in the Senate of the following titles, viz:

S. B. 212. An Act repealing, amending and re-enacting Section 2739j-78, Carroll's Kentucky Statutes, 1936 Edition, regulating and governing the transportation for hire of persons and property by motor vehicles on public highways in the Commonwealth of Kentucky.

Ordered that said bill be delivered to the Enrolling Clerk of the Senate.

S. B. 134. An Act relating to Firemen's Pension Funds in cities of the first class; providing for their creation and administration; providing for Boards of Trustees to administer such Pension Funds; providing for the election and organization of such Boards, and defining their powers and duties; providing for the financial support of such Pension Funds; providing for the classes of beneficiaries of such Pension Funds, and the amount of pension to be paid such beneficiaries. This Act shall be known as the "John Trager Firemen's Pension Fund."

With the following amendment thereto as proposed and adopted by the House, viz:

Amend S. B. 134 in House on page 4, section 4, line 25 by striking out the figures "1940" and substituting in lieu thereof the figures "1938".

Senator Trager moved that the vote by which said bill was passed be reconsidered.

Said motion was agreed to.

Thereafter such reconsideration.

Senator Trager moved that the Senate do now concur in said amendment to said bill as proposed and adopted by the House.

Said motion was agreed to.

Thereupon, said amendment was agreed to.

Said bill was then passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Ira W. See
Aubrey Barbour	Wm. H. Jones, Jr.	Paul L. Sidebottom
H. Stanley Blake	Leo King	John A. Sugg, Jr.
Ollie J. Bowen	J. W. McDonald	Jos. P. Tackett
Edwin C. Dawson	Stanley B. Mayer	J. E. Trager
Lee Gibson	Strother Melton	Thomas O. Turner
Ralph Gilbert	E. C. Moore	Otis White
John M. Hall	J. Lee Moore	O. C. Whitfield
J. Joseph Hettinger	Ray B. Moss	B. M. Williams

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Resolved that the title thereof be aforesaid.

Senator Trager moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Senator Gilbert moved that the Senate do now recess for ten minutes.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the Chair and called the Senate to order.

Senator Gilbert moved that the rules be suspended for the purpose of allowing a report of the Committee on Rules.

Said motion was agreed to by a majority of the members elected.

Whereupon, Senator Gilbert of the Committee on Rules, to which same had been previously referred, reported bills of the following titles, viz:

H. B. 343. An Act to enable cities of the second class to purchase, establish, erect, acquire, maintain and operate Municipal Hospitals through the sale of Revenue Bonds, which bonds shall be payable solely through the revenue derived from the operation of such Municipal Hospital; and providing for the creation of a board to manage said Municipal Hospital.

H. B. 370. An Act to amend and re-enact Section 17, Chapter 155 of the Acts of the General Assembly of Kentucky enacted at its regular 1893 session, edited as Section 388, Kentucky Statutes, Carroll's 1936 Edition, relating to record books required by circuit and county court clerks.

H. B. 374. An Act prohibiting and making it unlawful for any person, firm, corporation, association, partnership, business trust, fiduciary or legal entity to publish or cause to be published any figures or information known to be false or misleading concerning the total actual pounds of tobacco sold at any place at or during any period of time or concerning the total number of dollars received for tobacco sold at any place at or during any period of time or concerning the average price per pound received at any place for tobacco sold at or during any period and providing penalties for the performance of the prohibited acts.

H. B. 384. An Act repealing and re-enacting Section 2739g-2d, Carroll's Kentucky Statutes, 1936 Edition, relating to registration fees for trucks.

H. B. 395. An Act repealing and re-enacting Section 2711a-190, Carroll's Kentucky Statutes, 1936 Revised Edition, relating to pay, medical treatment, and funeral expenses of National Guardsmen dying or disabled when on or as the result of duty as such.

H. B. 401. An Act to repeal, amend, and re-enact Section 24, Chapter 1, of the Acts of the Second Extraordinary Session of the 1936 General Assembly, being entitled: "An Act relating to revenue and taxation on the sale and distribution of alcoholic beverages, and declaring an emergency," said section now being codified as Section 4281c-24 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition, and declaring an emergency.

H. B. 422. An Act relating to revenue and taxation and providing for a license tax on theaters and providing for rates and classifications therefor.

H. B. 264. An Act to require certain safety practices in building and construction work; to protect the lives of and prevent injury to employees engaged thereon; providing for the enforcement and penalty for the violation of the provisions of this Act.

H. B. 269. An Act to repeal Section 3011 of Carroll's Kentucky Statutes, Baldwin's 1936 revision, relating to licenses of cotes of the first class and declaring an emergency to exist.

H. B. 285. An Act providing for definition of terms used; providing for system of fixing prevailing rates of wages and establishing a legal work day and a legal work week on public works; providing the method of fixing prevailing rate of wages required in public works; contracts and of public authorities; providing the duty of contractors and public

authorities to pay the prevailing rate of wages fixed; providing for enforcement, assistance and penalty for the violation of this Act.

H. B. 358. An Act providing for the levy of a tax by cities of the first class to provide a fund for Boards of Education in cities of the first class for the purchase of sites for school buildings, for the erection of school buildings and the complete equipping thereof and for the major alteration and enlargement of existing building and the complete equipping thereof.

H. B. 368. An Act to provide for the investigation and study of wages of women and minors employed in trade and industry in the state of Kentucky; for the determination and establishment of minimum fair wages for such workers; for the purpose of preventing unfair and oppressive exploitation of such workers, and providing penalties therefor; setting forth a declaration of public policy; defining certain terms; providing for administration thereof; appropriating money for the administration thereof; and setting up duties and powers therefor; providing for judicial review under certain circumstances; providing for maintenance of records and reports; providing for maintenance of records and reports; providing for penalties for violation and/or non-observance thereof in whole or in part; providing for a separability clause; repealing conflicting laws and for other purposes, and providing for certain exemptions.

H. B. 380. An Act providing for the control of the Japanese beetle; imposing certain powers and duties of the agricultural experiment station; providing penalties, and declaring an emergency.

H. B. 388. An Act to amend and re-enact Section 165a-9 of Carroll's Kentucky Statutes, 1936 Edition, relating to fees for examination of banks.

H. B. 396. An Act authorizing cities of the first, second, third, fourth and fifth class, counties and other political subdivisions to aid housing projects of municipal housing commissions or of the United States of America by furnishing funds, parks, playgrounds, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid, authorizing public officers, public bodies and fiduciaries to purchase and invest in bonds issued pursuant to the Municipal Housing Commission Act, and declaring an emergency to exist.

H. B. 397. An Act authorizing cities of the first, second, third, fourth and fifth class to adopt ordinances relating to the remedying and elimination of dwellings unfit for human habitation; providing for the remedies and procedure in connection with action taken under such ordinances and for other related purposes; and declaring an emergency to exist.

H. B. 417. An Act to promote the objects of the National Housing Act, as amended, by authorizing banks, saving banks, trust companies, insurance companies, building and loan associations, credit unions and trustees and other fiduciaries to make loans which are eligible for insurance under the National Housing Act as amended, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, trustees and other fiduciaries, the Commonwealth of Kentucky and any of its political subdivisions or any agency or instrumentality thereof, to invest in mortgages insured and in debentures issued by the Federal Housing Administrator and to invest in securities of National Mortgage Associations, and to use mortgages insured or debentures issued by the Federal Housing Administrator and debentures issued by National Mortgage Associations as collateral or deposit security where required by any statute of this state; and repealing Chapter 11

of the Acts of the General Assembly of 1936; and declaring an emergency.

H. B. 237. An Act to repeal Chapter 95, being Sections 3780 to 3786, both inclusive, of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, and enacting in lieu thereof an Act relating to county patrols or county police forces, the appointment, jurisdiction, organization, equipment, maintenance, operation thereof and concerning the rights, powers and duties of county and fiscal courts, which Act shall be designated as Sections 3380, 3881, and 3782 of the Kentucky Statutes.

H. B. 268. An Act relating to the exemption from taxation five hundred dollars on the real estate of any total disabled soldier, sailor, marine, or nurse and providing that sixty (62) shall constitute total disability.

H. B. 286. An Act to repeal, amend and re-enact Section 2850 of the Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 346. An Act to repeal, amend and re-enact Section 561 of Carroll's Kentucky Statutes, 1936 edition, relating to the manner of dissolution of corporations and providing the duties of the Secretary of State when application for dissolution has been filed in his office and further providing that the Secretary of State shall not dissolve any corporation until he has received a certificate of approval from the Department of Revenue, which approval shall relate to the status of the tax liability of said corporation.

H. B. 427. An Act authorizing the Department of Revenue to require the use of crowns in collection of beer taxes; authorizing rules and regulations relating thereto; making provisions for avoiding double taxation; defining terms; providing for punishment of persons who violate the act or regulations pursuant thereto; and for other purposes.

H. B. 288. An Act to repeal, amend and re-enact Section 2852 of the Kentucky Statutes, Baldwin's 1936 Revision.

With the expression of opinion that each of said bills should pass.

Whereupon, said bills were each and severally read at length for the first time and

Ordered placed in the Calendar.

REPORT OF ENROLLMENT COMMITTEE

Senator Dawson of the Committee on Enrollment reported that said committee had examined and found to be correctly enrolled bills and resolutions of the following titles, viz:

S. B. 212. An Act repealing, amending and re-enacting sections 2739j-27-1, 2739j-78, 2739j-80, 2739j-81, 2739j-83, and 2739j-84, Carroll's Kentucky Statutes, 1936 Edition, regulating and governing the transportation for hire of persons and property by motor vehicles on public highways in the Commonwealth of Kentucky.

S. B. 194. An Act to amend subdivision 1 of Article V of Chapter 32 of the Kentucky Statutes by the inclusion therein of a new section, 768-a, to be inserted after Section 768, in Carroll's Kentucky Statutes, Baldwin's Revised Edition, 1930, to extend the powers of railroad companies so as to authorize railroad companies (1) to engage in the business of transporting persons and property as common carriers by motor vehicles on the highways and by aeroplanes in the air, and (2) to purchase or lease the property, right and franchises of any individual, firm or corporation engaged in motor vehicle or air transportation, to subscribe to or otherwise acquire the capital stock of any motor carrier or air company and to make

any agreement or arrangement, not inconsistent with law, with any individual, firm or corporation engaged in motor vehicle or air transportation.

H. B. 141. An Act to amend Section 733 of the Kentucky Statutes, Carroll's edition of the year 1930, relating to the investment of the capital stock and accumulations of real estate title insurance companies, to authorize such companies to invest in such securities as domestic insurance companies (other than life) are authorized by law to invest their capital, surplus, and accumulations in, and to enter into agreements to protect the interest of such companies in securities lawfully held by them, to foreclose on property pledged to them, to participate in the reorganization of any corporation whose securities they hold, and to accept and retain securities distributed pursuant to a plan of reorganization of any such corporation, to the same extent as domestic insurance companies (other than life) are authorized by law to do.

H. B. 158. An Act authorizing the Governor and the administrative departments and independent agencies of the Commonwealth of Kentucky to apply for, receive and expend any Federal funds so received; providing that any and all Federal funds received or which hereafter may be received shall not be embraced within the limitations of any biennial appropriation act, and further prescribing the powers and duties of the Governor and other administrative departments and independent agencies in relation thereto.

H. Res. 45. Whereas, on or about the 13th day of September, 1937, the said Henderson Daniel, deceased, was a guest in a passenger car being driven on the campus of Western Kentucky State Teachers' College, and,

H. Res. 48. A resolution authorizing the personal representative of Jasper Barnett to sue the Department of High-

ways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, or either or both of them, for damages for the death of Jasper Barnett who lost his life when struck by a truck owned and operated by the Department of Highways (formerly State Highway Commission) of the Commonwealth of Kentucky.

H. Res. 44. A resolution authorizing and permitting O. B. Coffee to sue the Commonwealth of Kentucky and the State Highway Commission or either.

H. Res. 47. A resolution authorizing Raymond Hall to sue the Commonwealth of Kentucky and the Department of Agriculture, Labor and Statistics.

H. Res. 41. Resolution authorizing and permitting Omelia Bowen Murphy to sue the Commonwealth of Kentucky and the Kentucky State Industrial College or either.

H. Res. 26. Resolution authorizing Elmo M. Robertson, to sue the Commonwealth of Kentucky, and the State Highway Commission, or either.

H. Res. 40. Whereas, on or about March 12, 1936, Thomas Marshall, a resident of Frankfort, Kentucky, while seated in an automobile was injured when the same ran off of Highway No. 157 between Sulphur and Sligo, Kentucky, in Henry County, and wherein it is claimed that while riding in said automobile the driver thereof, in the proper use of the highway, drove through a breach in a retaining wall in said highway near Sulphur and just below Sulphur High School, running over an embankment and whereby he was injured,

H. Res. 25. A resolution authorizing the personal representative of Mrs. Alda Dever, deceased, Logan Dever, and

William Dever, or either of them, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

H. Res. 24. Resolution authorizing Richard Cox, Frank Anderson and Earl Dacon, to sue the Commonwealth of Kentucky and Fish and Game Commission of the Commonwealth or either.

H. Res. 39. A resolution authorizing personal representative of Dr. Thomas Ralston, deceased, to file suit against the Commonwealth of Kentucky or the Highway Department of Kentucky, one or both.

H. Res. 38. Resolution authorizing and permitting Mrs. Arthur Brown, administratrix of the estate of J. T. Brown, deceased, to sue the Commonwealth of Kentucky and the State Highway Commission or either.

H. Res. 18. A resolution authorizing Sill Hamilton to sue the Commonwealth of Kentucky.

H. Res. 37. A resolution authorizing Ethel Carr, a married woman, to sue the Jefferson County Fiscal Court and/or Jefferson County, Kentucky.

H. Res. 17. Resolution authorizing Kurt W. Krafft, or his personal representative if he should die within one year from the date this Act becomes effective, to sue the County of Jefferson.

H. Res. 16. Resolution authorizing the personal representative of Jasper Johnson, deceased, to file and prosecute suit against the Commonwealth of Kentucky and the State Highway Commission or either of them.

H. Res. 36. Resolution authorizing James M. Towe to

sue the Commonwealth of Kentucky and the State Highway Commission, or either.

H. Res. 15. Resolution authorizing Luther H. Phillips, personal representative of Edward Phillips, deceased, to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky or either of them.

H. Res. 34. Resolution authorizing Milton McGrew to sue the Commonwealth of Kentucky and/or the State Highway Commission.

H. Res. 11. Resolution authorizing the personal representative or representatives of W. H. Hyden, deceased, to sue the Commonwealth of Kentucky.

H. Res. 3. Resolution, authorizing L. V. Stone to sue the Commonwealth of Kentucky.

H. Res. 30. Resolution authorizing the personal representative of William Anderson to sue the Commonwealth of Kentucky and the State Highway Commission or either of them.

H. Res. 9. Resolution authorizing Fannie B. Anderson, Sallie B. Jones and Ada Hathaway, respectively, to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

H. Res. 10. Resolution authorizing John R. Clarke, Jr., and Edith S. Clarke to sue the Commonwealth of Kentucky, the State Highway Commission, or either or both of them.

H. Res. 29. Resolution authorizing Joe Pence to sue the Commonwealth of Kentucky and the State Highway Commission, or either of them.

H. Res. 12. Resolution. Damages to Automobile.

H. Res. 28. Resolution authorizing Mrs. Joe Pence to sue the Commonwealth of Kentucky and the State Highway Commission, or either of them.

H. Res. 14. A resolution, authorizing, permitting and empowering Lina Throckmorton and/or Harold Throckmorton, either or both of them, jointly or separately, to sue the Commonwealth of Kentucky and the State High Commission, (now Department of Highways), either or both.

H. R. 13. Resolution authorizing D. J. Harman of Wayland, Kentucky, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

H. R. 19. Resolution authorizing W. J. Hockaday to file suit against the Commonwealth of Kentucky or the State Highway Commission, or either.

Thereupon, all other business was suspended and said bills and resolutions were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session, and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver said bills and resolutions which originated in the House to the Enrolling Clerk of the House and said bills which originated in the Senate to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills which originated in the Senate duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills to the Governor.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled, viz:

H. Res. 8. A resolution authorizing D. J. Harman of Wayland, Kentucky, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

Said resolution is as follows, viz:

WHEREAS, on the 25th day of October, 1937, D. J. Harman of Wayland, Kentucky, while traveling at or near Stanton, Kentucky, going towards the town of Winchester, Kentucky, was injured by a large truck of the Highway Department striking his automobile and demolishing same, and

WHEREAS, his right knee was severely injured, leaving the knee stiff, and also breaking his nose, lacerating his face and forehead and lips and loosening several teeth, and

WHEREAS, the said Harman sustained serious and permanent injury by reason of the alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the State's business; therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That D. J. Harmon be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and/or the State Highway Commission, in the circuit court of the county of his residence, for such damages and injury as he may have suffered, if any, by reason of any injury received by him through the carelessness or negligence of the State Highway

Commission, its agents or employees. In the event any judgment may be recovered by the said D. J. Harman the same shall be paid by the Auditor by warrant on the Treasurer of the Commonwealth.

§ 2. Either party to said suit may appeal from any judgment rendered in this case to the Court of Appeals of Kentucky, and the case may be settled and adjusted with the consent of the Attorney General of Kentucky in the same way as any other civil suit.

With committee amendment thereto by way of substitute therefor.

Said amendment by way of substitute is as follows, viz:

Resolution authorizing Mrs. D. J. Harman to sue the Commonwealth of Kentucky and/or the State Highway Commission.

WHEREAS, on October 25, 1937, at Stanton, Kentucky, while on a State Highway and headed towards the city of Winchester, Kentucky, while a passenger in an automobile operated by her husband, the automobile of her husband was struck and practically demolished by a highway truck traveling in an opposite direction, and

WHEREAS, the said Mrs. D. J. Harman suffered injury by reason of a dislocated elbow and cuts on her hand, by reason of the collision with the State Highway truck, and

WHEREAS, she has sustained these injuries by reason of the alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the State's business, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Mrs. D. J. Harman be, and she is hereby authorized and permitted to sue the Commonwealth of Kentucky and/or

the State Highway Commission, in the circuit court of the county of her residence, for such damages and injury as she may have suffered, if any, by reason of any injury received by her through the carelessness or negligence of the State Highway Commission, its agents or employees. In the event any judgment may be recovered by the said Mrs. D. J. Harman the same shall be paid by the Auditor by warrant on the Treasurer of the Commonwealth.

Section 2. Either party to said suit may appeal from any judgment rendered in this case to the Court of Appeals of Kentucky, and the case may be settled and adjusted with the consent of the Attorney General of Kentucky in the same way as any other civil suit.

Said amendment to said resolution by way of substitute therefor was then agreed to.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading at length of said resolution being dispensed with, said resolution was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

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Resolved that the title thereof be as amended.

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 9. Resolution authorizing Fannie B. Anderson, Sallie B. Jones and Ada Hathaway respectively to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution is as follows, viz:

WHEREAS, on the 12th day of August, 1937, at or about the hour of 9:45 A. M., about two miles northwest of Shelbyville, Kentucky, on the public highway between Shelbyville and Louisville, Kentucky, in a collision between a truck owned by the State of Kentucky, then being operated, managed, and controlled and used by an employee of the State Highway Commission of the Commonwealth of Kentucky in the per-

formance of his duties on the State Highway between Louisville and Shelbyville, and an automobile owned and operated by Sam Etherly in which Fannie B. Anderson, Sallie B. Jones and Ada Hathaway were travelling as passengers, Fannie B. Anderson, Sallie B. Jones and Ada Hathaway were injured, and

WHEREAS, Fannie B. Anderson, Sallie B. Jones and Ada Hathaway and each of them have sustained serious and permanent injuries by reason of alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the business of the State of Kentucky.

NOW, in order that Fannie B. Anderson, Sallie B. Jones and Ada Hathaway, and each of them, may have their "Day in Court" to determine by judicial action the question of negligence, if any, of the employees of the State Highway Commission of the State of Kentucky, causing said injuries aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Fannie B. Anderson, Sallie B. Jones and Ada Hathaway; and each of them in their own right and name, be and they are respectively hereby empowered and authorized to file and prosecute appropriate actions, severally and respectively, against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such injuries, if any there be; and in the event any judgment in either action is recovered by said Fannie B. Anderson, Sallie B. Jones or Ada Hathaway, or either of them, or same are compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in other civil suit

and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

§ 3. Said actions may be brought in any county of Kentucky having jurisdiction of the parties and subject matter. The limit of liability as to Fannie B. Anderson shall be Six Thousand (\$6,000.00) Dollars, and as to Sallie B. Jones shall be Six Thousand (\$6,000.00) Dollars, and as to Ada Hathaway shall be Six Thousand (\$6,000.00) Dollars.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Dr. D. H. Bush	J. W. McDonald
Aubrey Barbour	Edwin C. Dawson	Strother Melton
Paul M. Basham	Lee Gibson	E. C. Moore
H. Stanley Blake	Ralph Gilbert	J. Lee Moore
Ollie J. Bowen	John M. Hall	Dr. R. C. Moss
Leer Buckley	H. Watt Hillman	Ray B. Moss

Ira W. See	J. E. Trager	Otis White	
Paul L. Sidebottom	Ervine Turner	O. C. Whitfield	
John A. Sugg, Jr.	E. T. Wesley		—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 26. Resolution authorizing Elmo M. Robertson, to sue the Commonwealth of Kentucky, and the State Highway Commission, or either.

Said resolution is as follows, viz:

Whereas, on October 24, 1936, Elmo M. Robertson, was operating his buick sedan in Mercer County, Kentucky on Highway No. 68, when it collided with a truck owned by the State Highway Commission, at the time being driven by its driver one Haley, resulting in serious injury to said buick sedan; and

Whereas, it is claimed by said Robertson that the driver of said truck was intoxicated, operated the truck in a reckless and negligent manner striking the sedan at a time when it was stopped and when the truck was on the wrong side of the highway, and that the operator of the sedan was free from any fault; and

Whereas it is claimed by said Robertson that the sedan was injured and damaged to the extent of \$500.00:

Now, therefore in order to determine by judicial action,

the liability of The Commonwealth of Kentucky and of the State Highway Commission of Kentucky for the alleged damages and injury:—

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Elmo M. Robertson be, and he is hereby, authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or either, in the Mercer Circuit Court, for such damages, if any, as he may have suffered, by any wrongful injury to his buick sedan aforesaid by reason of the collision mentioned herein, and to recover such damages as he may have sustained;

That in any action so brought neither The Commonwealth of Kentucky nor the Kentucky State Highway Commission shall be permitted to plead or reply upon any Statute of Limitation, provided the action is brought within six months after this resolution becomes effective;

That in the event said Robertson shall recover any judgment against The Commonwealth or Highway Commission, it shall not exceed \$500.00 plus interest and court cost; and the defendants may appeal as in any other civil case;

That such case so brought may be settled and adjusted with the consent of the Attorney General, of Kentucky, in the same manner as any other civil case, or such official may settle the same before action brought;

That the amount of any judgment, or of any settlement so made, shall be paid by the Auditor of Public Accounts by warrant on the State Treasurer, same to be charged to the general fund.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 28. Resolution authorizing Mrs. Joe Pence to sue the Commonwealth of Kentucky and the State Highway Commission, or either of them.

Said resolution is as follows, viz:

WHEREAS, on or about the 19th day of June, 1937, Mrs. Joe Pence, on the Briery Road in the County of....., Kentucky, was injured due to the carelessness and negligence of employees of the State Highway Commission while putting in bridges, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Mrs. Joe Pence, and she is hereby, authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either of them, in the Circuit Court, the county of the residence of Mrs. Joe Pence, for damages for the loss of earning power, physical suffering, permanent injury, and for hospital and medical bills of said Mrs. Joe Pence which were brought about and caused by the negligence and carelessness of employees of the State Highway Commission. Said suit shall be for any amount not exceeding the sum of Five Thousand (\$5,000) Dollars, and in the event any judgment is recovered by the said Mrs. Joe Pence in said suit, or same is compromised or settled, said judgment shall be paid by the Auditor of Public Accounts by warrant drawn on the state treasury and paid out of the general fund.

Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 29. Resolution authorizing Joe Pence to sue the Commonwealth of Kentucky and the State Highway Commission, or either of them.

Said resolution is as follows, viz:

WHEREAS, on or about the 19th. day of June, 1937, Joe Pence, on the Briery Road in the County of _____, Kentucky, was injured due to the carelessness and negligence of employees of the State Highway Commission while putting in bridges, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Joe Pence be, and he is hereby, authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either of them, in the _____ Circuit Court, the county of the residence of Joe Pence, for damages for the loss of earning power, physical suffering, permanent injury, and for hospital and medical bills of said Joe Pence which were brought about and caused by negligence and carelessness of the employees of the State Highway Commission. Said suit shall be for any amount not exceeding the sum of Five Thousand (\$5,000) Dollars, and in the event any judgment is recovered by the said Joe Pence in said suit, or same is compromised or settled, said judgment shall be paid by the Auditor of Public Accounts by warrant drawn on the state treasury and paid out of the general fund.

Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 3. Resolution authorizing L. V. Stone to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, It is claimed by the said L. V. Stone that said Lisle did on said date back said truck without any warning, and in a careless and reckless manner into the side of one Plymouth coupe, owned by said L. V. Stone, and but for the negligent operation of said truck by said Lisle said accident would not have happened; and,

WHEREAS, It is claimed by L. V. Stone, that because of the negligent and careless operation of said truck his car was damaged in the sum of \$250.00 and that it actually cost said Stone the sum of \$87.00 to patch up said car, and in all the damages to said car was \$250.00 and if such damages by said truck was sustained the same should be paid by the Commonwealth of Kentucky: Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That L. V. Stone, be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, in Henderson Circuit Court of Henderson County, Kentucky, or either of them in said Court for such damages he has suffered by reason of such accident and collision not to exceed the sum of \$250.00 and in event a judgment is recovered or a settlement made, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of General Fund.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 30. Resolution authorizing the personal repre-

sentative of William Anderson to sue the Commonwealth of Kentucky and the State Highway Commission or either of them.

Said resolution is as follows, viz:

WEREAS, on or about the 14th day of December, 1935, William Anderson, a resident of Ludlow, Kenton County, Kentucky, received injuries while traveling on U. S. Highway No. 25, about one mile south of Bracht Station, Kentucky, from which injuries the said William Anderson died, wherein it is claimed that the said injuries and death was caused by the car in which said William Anderson was riding running into a large hole in said highway about four square feet in width and five inches in depth, causing the automobile in which he was riding to be overturned. It being further contended that the condition of the highway was caused and created by the removal of the paved portion of the highway by agents and employees of the Department of highways and/or the Commonwealth of Kentucky, and since there were no warning signs or other indications of the defective condition of the highway, which it is contended the Commonwealth of Kentucky and/or the Department of Highways, by and through its agent and employees, knew or in the exercise of ordinary care should have known of the existence of the said defective condition of the highway, which is contended to be the proximate cause of the death of William Anderson.

Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of William Anderson be and he or she is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways or either in the Kenton Circuit Court, the county in which this accident occurred for damages resulting from the wrongful death of said William Anderson, which was brought about and caused by the negligence of the employees of the

Commonwealth of Kentucky and/or the Department of Highways. Said suit shall be for any amount not exceeding Twenty thousand dollars (\$20,000.00), and in the event any judgment is recover by the said personal representative in this suit for wrongful death or same is compromised or settled, said judgment, compromise, or settlement shall be paid by Auditor of Public Accounts, drawn by warrant on the State Treasurer and paid out of the Department of Highway's fund.

Either party to said suit may appeal from any judgment which may be entered therein, as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil action.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Paul M. Basham	Ollie J. Bowen
Aubrey Barbour	H. Stanley Blake	Leer Buckley

Dr. D. H. Bush	Strother Melton	John A. Sugg, Jr.
Edwin C. Dawson	E. C. Moore	J. E. Trager
Lee Gibson	J. Lee Moore	Ervine Turner
Ralph Gilbert	Dr. R. C. Moss	E. T. Wesley
John M. Hall	Ray B. Moss	Otis White
H. Watt Hillman	Ira W. See	O. C. Whitfield
J. W. McDonald	Paul L. Sidebottom	—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 34. Resolution authorizing Milton McGrew to sue the Commonwealth of Kentucky and/or the State Highway Commission.

Said resolution is as follows, viz:

WHEREAS, on or about December 17, 1936, the automobile of Milton McGrew was parked on East Seventh Street, in the City of Hopkinsville, Kentucky, and

WHEREAS, a loaded truck of the Highway Department of the Commonwealth of Kentucky, while traveling west on East Seventh Street, struck the car of Milton McGrew, causing considerable damage and practically demolishing same. Now, therefore,

Be it Resolved by the General Assembly by the Commonwealth of Kentucky:

That Milton McGrew be and he is hereby authorized and

permitted to sue the Commonwealth of Kentucky and/or the State Highway Commission in the Christian Circuit Court for all such damage as he may have sustained to his automobile, if any, in an amount not to exceed Three Hundred Dollars (\$300.00).

Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leer Buckley	John M. Hall
Aubrey Barbour	Dr. D. H. Bush	H. Watt Hillman
Paul M. Basham	Edwin C. Dawson	J. W. McDonald
H. Stanley Blake	Lee Gibson	Strother Melton
Ollie J. Bowen	Ralph Gilbert	E. C. Moore

J. Lee Moore	Paul L. Sidebottom	E. T. Wesley
Dr. R. C. Moss	John A. Sugg, Jr.	Otis White
Ray B. Moss	J. E. Trager	O. C. Whitfield
Ira W. See	Ervine Turner	—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 36. A resolution authorizing James M. Towe to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution is as follows, viz:

WHEREAS, on the thirteenth (13) day of June, 1936, James M. Towe and wife, Nannie Towe, of Emlyn, Whitley County, Kentucky, deeded to Whitley County a certain right-of-way across their property located near Emlyn, Kentucky, for a public highway, and the said Whitley County in turn deeded the right-of-way to the State Highway Commission so as to enable said State Highway Commission to improve U. S. Route No. 25-W, running between Corbin, Kentucky, and Jellico. Part of consideration for deeding said right-of-way to said Whitley County and State Highway Commission was a promise by the officials of said County and State Highway Commission that no excavating would be done along the road running through said property so as to prevent any slides that would in all probability come, should any excavating be done in the white clay soil on said land, and,

WHEREAS, the said Highway Commission, in violation of the promise made to James M. Towe, did excavate several feet on the above-mentioned right-of-way, and by reason of said excavation the property of said James M. Towe, Emlyn, Kentucky, which is composed of acres of land, a house in which he and his family lives, a smoke house, barn, other out-houses, a cellar, good well, orchard, etc., has been seriously and permanetly damaged by the slides which have occurred since said excavation was made. His home, barn and other out-houses have moved many feet nearer the road since the slides began to occur and they are gradually sliding nearer the road. His well has been completely destroyed, so has his cellar, and his home is now in such a condition by reason of these slides that it is dangerous for him and his family to reside in same, and in view of the fact that all of his land is sliding down nearer the public highway all the time, he has no place on which to move them so as to be out of the way of these slides, and,

WHEREAS, the said James M. Towe has sustained serious and permanent injuries to his property, mentioned above, by reason of the action of the officials of the State Highway Commission in carelessly and negligently excavating the right-of-way across said property, and against the will and permission of the grantor thereof, now, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That James M. Towe be, and he is hereby authorized and permitted to sue the Comomnwealth of Kentucky and the State Highway Commission, or either, in the Circuit Court of the County of his residence for such damages as he may have suffered, if any, by reason of injury to his property through the carelessness or negligence of the State Highway Commission, its agents, or employees. Said suit shall be for any amount, not exceeding the sum of \$2,000.00, and in the event any judgment is recovered by said James M. Towe in said

suit for injuries to his property, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer, and paid out of the General Fund.

Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Edwin C. Dawson	E. C. Moore
Aubrey Barbour	Lee Gibson	J. Lee Moore
Paul M. Basham	Ralph Gilbert	Dr. R. C. Moss
H. Stanley Blake	John M. Hall	Ray B. Moss
Ollie J. Bowen	H. Watt Hillman	Ira W. See
Leer Buckley	J. W. McDonald	Paul L. Sidebottom
Dr. D. H. Bush	Strother Melton	John A. Sugg, Jr.

J. E. Trager
Ervine Turner

E. T. Wesley
Otis White

O. C. Whitfield
—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 41. Resolution authorizing and permitting Omelia Bowen Murphy to sue the Commonwealth of Kentucky and the Kentucky State Industrial College or either.

Said resolution is as follows, viz:

WHEREAS, on December thirteen (13), One thousand nine hundred twenty six (1926), the dormitory for girls at the Kentucky State Industrial College for Colored persons near Frankfort, Kentucky, was destroyed by fire, and

WHEREAS, Omelia Bowen Murphy was severely, painfully and permanently injured on and about the shoulder, arms, legs, hands and body, and

WHEREAS, it is claimed that the said fire was entirely caused through and by the gross negligence and gross carelessness of the agents, servants and employees of the said Kentucky State Industrial College in the operation of the said institution which is managed, controlled and supported by the Commonwealth of Kentucky, and

WHEREAS, Omelia Bowen Murphy sustained said serious, permanent and painful injuries because of the alleged carelessness and negligence of the said employees while in

the discharge and conduct of the operation of the said state institution for and on behalf of the Commonwealth of Kentucky: Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Omelia Bowen Murphy be and she is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Kentucky State Industrial College or either in the Circuit Court of Franklin County, for such damages as she may have suffered, if any, by reason of any injuries received by her through the carelessness or negligence of the Kentucky State Industrial College, its agents or employees. Said suit shall be for any amount not exceeding the sum of Ten Thousand (\$10,000.00) Dollars, and in the event any judgment is recovered by said Omelia Bowen Murphy, in said suit for injuries to herself, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasury and paid out of the general fund.

Either party to said suit may appeal from any judgment which may be entered therein as in any other Civil Suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil suit.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

--26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 44. Resolution authorizing and permitting O. B. Coffee to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz:

WHEREAS, the Commonwealth of Kentucky and the State Highway Commission has constructed a State Highway

through the lands of O. B. Coffee in Morgan Count, Kentucky, and

WHEREAS, the construction of said highway has resulted in damage to the said farm of O. B. Coffee:

Therefore be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That O. B. Coffee be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission or either of them in the Circuit Court of Morgan County, Kentucky, for such damages as he may have sustained by reason of the construction of the State Highway over and through his farm.

The Attorney General may investigate and compromise said claim of he deems advisable.

If recovery is had by suit or compromise, the amount so adjudged or compromised shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said

resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 45. Resolution authorizing Bedford Daniel, administrator of the estate of Henderson Daniel, deceased, to file suit against the Commonwealth of Kentucky for damages caused by the death of said Henderson Daniel, deceased.

Said resolution is as follows, viz:

WHEREAS, on or about the 13th day of September, 1937, the said Henderson Daniel, deceased, was a guest in a passenger car being driven on the campus of Western Kentucky State Teachers' College, and,

WHEREAS, Henderson Daniel, deceased, while so riding

in said automobile, was willfully, wantonly, carelessly and negligently shot in the back of the head by Aubrey E. Hoofnel, an employee of the said Western Kentucky State Teachers' College, who was policing the campus, and who at the time he shot the said Henderson Daniel, deceased, in the back of the head was acting within the course of his employment and within the scope of his authority and was attempting to do or perform a duty which he was authorized to do, and,

WHEREAS, the bullet, fired from the pistol of Aubrey K. Hoofnel and used by him in performing his services, entered the base of the skull of the said Henderson Daniel, deceased, thereby causing almost instant death, and,

WHEREAS, the injury of the said Henderson Daniel, deceased was caused and produced by the carelessness and negligence of the Commonwealth of Kentucky and the Western State Teachers' College acting then and there through its agents and employees then and there in the performance of their duties as such, while the said Henderson Daniel, deceased was free from any negligence whatever which attributed to or in any way brought about his said injury and death, and,

WHEREAS, the said Henderson Daniel, deceased, left surviving him a widow and infant son, three years of age, they being in destitute circumstances, now, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Bedford Daniel, as the administrator of the estate of Henderson Daniel, deceased, be, and he is hereby empowered and authorized to file suit and prosecute appropriate actions against the Commonwealth of Kentucky and the Board of Regents of the Western Kentucky State Teachers' College, which suit or actions are to be brought in the Warren Circuit Court, the same being the county in which said injuries and death occurred, for the purpose of determining the liability of the Commonwealth of Kentucky for such injuries and death, if any there be, which injuries and death arose out of the

carelessness and negligence of the Commonwealth of Kentucky or its governmental agency, to-wit, the Western Kentucky State Teachers' College, then and there acting through its agents or employees, and in the event said suit or proceeding is settled or compromised or is reduced to judgment, the amount or amounts of said judgment, or compromise, or settlement growing out of said suit shall be paid by the Auditor of Public Accounts by a warrant or warrants drawn on the State Treasury of the State of Kentucky and payable out of the General Fund.

Either party in said suit may appeal from any judgment which may be rendered therein as in any other civil suit, or said suit may be settled or adjusted with the consent and approval of the Attorney General of the State of Kentucky in the same manner as any other civil suit.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson Aubrey Barbour Paul M. Basham

H. Stanley Blake	H. Watt Hillman	Paul L. Sidebottom
Ollie J. Bowen	J. W. McDonald	John A. Sugg, Jr.
Leer Buckley	Strother Melton	J. E. Trager
Dr. D. H. Bush	E. C. Moore	Ervine Turner
Edwin C. Dawson	J. Lee Moore	E. T. Wesley
Lee Gibson	Dr. R. C. Moss	Otis White
Ralph Gilbert	Ray B. Moss	O. C. Whitfield
John M. Hall	Ira W. See	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 48. A resolution authorizing the personal representative of Jasper Barnett to sue the Department of Highway of the Commonwealth of Kentucky and the Commonwealth of Kentucky, or either or both of them, for damages for the death of Jasper Barnett who lost his life when struck by a truck owned and operated by the Department of Highway (formerly State Highway Commission) of the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on November 2, 1935, a truck owned and operated by the Department of Highways (formerly State Highway Commission) of the Commonwealth of Kentucky in the course of the work and administration of said Department in Magoffin County, Kentucky, struck Jasper Barnett inflicting injuries from which he died; and

WHEREAS, it is claimed by the personal representative and heirs of Jasper Barnett that the said truck, while being used on the business of the Department of Highways (formerly State Highway Commission) of the Commonwealth of Kentucky, was operated in a negligent and improper manner, and but for such improper and negligent operation the death of Jasper Barnett would not have occurred;

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of Jasper Barnett, deceased, be and he is hereby authorized and empowered to file suit and to prosecute appropriate action against the Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, or either or both of them, for the purpose of determining the liability of the Department of Highways of the Commonwealth of Kentucky or the Commonwealth of Kentucky, or either or both of them, for such death, if any liability there should be established.

That such action may be brought in the Franklin Circuit Court or the Magoffin Circuit Court and all parties shall have the right of appeal to the Court of Appeals as in other civil cases. In the event judgment is recovered by the personal representative of Jasper Barnett, deceased, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer, and the Commissioner of Finance is directed to approve said warrant for payment and certify same to the Auditor of Public Accounts and the Treasurer of the Commonwealth of Kentucky and to such other financing or budgetary units as may be required by law.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a resolution entitled:

S. Res. 12. Resolution authorizing John R. Clarke, Jr.,

and Edith S. Clarke to sue the Commonwealth of Kentucky, the State Highway Commission, or either or both of them.

Said resolution is as follows, viz:

WHEREAS, on the 21st of October, 1937 about 8:30 A. M. John R. Clarke, Jr. and his wife Edith S. Clarke of Jackson, Breathitt County, Kentucky, were injured and the car of John R. Clarke, Jr. was practically demolished while John R. Clarke, Jr. was driving his car West on Highway No. 60 at a point about fifteen miles East of Morehead in Carter County, Kentucky.

WHEREAS, at the time of said accident Mr. Carol Ratliff, the right-of-way agent for the State Highway Department, while acting in the scope of his employment and upon the duties of the said Highway Department, negligently and carelessly caused the State Highway Department car to run into and collide with the car of John R. Clarke, Jr. causing John R. Clarke, Jr. and his wife, Edith S. Clarke to be injured, from which injuries they were compelled to have medical attention and suffered great pain for a long period of time.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John R. Clarke, Jr. and Edith S. Clarke, his wife, be, and they are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or both or either of them in the Circuit Court of Carter County, Kentucky, for such damages as they suffered by reason of personal injuries and property damage caused and brought about by the carelessness and negligence of the State Highway Commission, its agents or employees.

That said suit shall be for an amount not exceeding the amount of Twenty Five Hundred (\$2500.00) Dollars, and in the event any judgment is recovered by John R. Clarke, Jr. and his wife Edith S. Clarke, in said suit for said personal injuries and property damage, or the same is compromised or settled, same shall be paid by the Auditor of Public Accounts

by warrant drawn on the State Treasurer and paid out of the general fund.

Either party to said suit may appeal from any judgment which may be entered herein as in any other civil suit and the case may be settled, compromised or adjusted with the consent and approval of the Attorney General of Kentucky in the same way and manner as any other civil suit.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Edwin C. Dawson	E. C. Moore
Aubrey Barbour	Lee Gibson	J. Lee Moore
Paul M. Basham	Ralph Gilbert	Dr. R. C. Moss
H. Stanley Blake	John M. Hall	Ray B. Moss
Ollie J. Bowen	H. Watt Hillman	Ira W. See
Leer Buckley	J. W. McDonald	Paul L. Sidebottom
Dr. D. H. Bush	Strother Melton	John A. Sugg, Jr.

J. E. Trager
Ervin Turner

E. T. Wesley
Otis White

O. C. Whitfield
—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 13. Resolution authorizing the personal representative of Jasper Johnson, deceased, to file and prosecute suit against the Commonwealth of Kentucky and the State Highway Commission or either of them.

Said resolution is as follows, viz:

WHEREAS, one Robert Johnson was employed as a laborer by the State Highway Department and became physically incapacitated to perform said work and Jasper Johnson, with the consent and by agreement of the State Highway Foreman in charge of said work, was substituted for said Robert Johnson, and performed and was engaged in performing work and labor for the Commonwealth of Kentucky and the State Highway Commission, and on July 13, 1935, on State Highway Number 52 in Lee County, Kentucky, while in the course of his employment and performance of the duties thereof and while riding in a vehicle being driven by another employee of the Commonwealth of Kentucky and the State Highway Commission a collision with another vehicle occurred in which the said Jasper Johnson was thrown from said vehicle to the pavement of the State Highway and sustained injuries from which he died;

WHEREAS, through mistake and oversight of the State Highway Foreman the name of the said Jasper Johnson was not placed on the payroll and employment roll of the State Highway Department and the name of the said Jasper Johnson was not signed on the Workmen's Compensation Register and an adjustment and settlement with the estate and personal representative of the said Jasper Johnson can not therefore be made under the provisions of the Workmen's Compensation Register and an adjustment and settlement with the estate and personal representative of the said Jasper Johnson can not therefore be made under the provisions of the Workmen's Compensation Law,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the personal representative of Jasper Johnson, deceased, be and the said personal representative is hereby permitted, empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and the State Highway Commisison, or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such injury and death and medical, surgical, ambulance, hospital and burial expenses, if any there be; and in the event any judgment in such action is recovered by the personal representative of the said Jasper Johnson, deceased, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit and the liability, claim and case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same way and manner as may other civil case.

§ 3. Said action may be brought in the Lee Circuit

Court or any county of Kentucky having jurisdiction of the parties and subject matter. The limit of liability shall be One Hundred (\$100.00) Dollars for ambulance, medical, surgical and hospital expenses and Seventy-five (\$75.00) Dollars for burial expenses, and Four Thousand (\$4,000.00) Dollars for the death of the said Jasper Johnson, or a total of Four Thousand One Hundred Seventy-five (\$4,175.00) Dollars.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Edwin C. Dawson	E. C. Moore
Aubrey Barbour	Lee Gibson	J. Lee Moore
Paul M. Basham	Ralph Gilbert	Dr. R. C. Moss
H. Stanley Blake	John M. Hall	Ray B. Moss
Ollie J. Bowen	H. Watt Hillman	Ira W. See
Leer Buckley	J. W. McDonald	Paul L. Sidebottom
Dr. D. H. Bush	Strother Melton	John A. Sugg, Jr.

J. E. Trager
Ervine Turner

E. T. Wesley
Otis White

O. C. Whitfield
—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 44. Resolution authorizing Mrs. Myrtle Cade to sue the Commonwealth of Kentucky, and the State Highway Commission, or either.

Said resolution is as follows, viz:

Whereas on or about August 16th, 1937, Myrtle Cade, a resident of Morgantown, Butler County, Kentucky and an employee of the W. P. A. while returning from her work, was run over and knocked a considerable distance and injured on Highway 71 near Morgantown, Ky. Wherein, it is claimed that while Myrtle Cade was crossing or walking along said highway, she was struck and injured, both legs being broken, and other serious bodily injuries by a truck operated by one of the employees of the State Highway Commission, in a very careless negligent and reckless manner, and driving at an excessive and dangerous rate of which prevented proper control of the truck and but for said speed and recklessness said accident would not have happened.

Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Myrtle Cade be and she is hereby author-

ized and permitted to sue the Commonwealth of Kentucky or the State Highway Commission or both of them in the Franklin Circuit Court for such damages as she may have sustained, if any, by reason of injury to her head, body and limbs, caused by the negligence of the Commonwealth of Ky. or the State Highway Commission their agents, servants or employees; and in the event any judgment is recovered by the said Cade in said suit, same shall be paid by the Treasurer of the Commonwealth of Kentucky on warrants from the auditor, to be paid out of the general fund and both the said Cade and the Commonwealth of Kentucky or the State Highway Commission shall have the right to appeal said case.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Stanley Blake	Dr. D. H. Bush
Aubrey Barbour	Ollie J. Bowen	Edwin C. Dawson
Paul M. Basham	Leer Buckley	Lee Gibson

Ralph Gilbert	J. Lee Moore	J. E. Trager
John M. Hall	Dr. R. C. Moss	Ervine Turner
H. Watt Hillman	Ray B. Moss	E. T. Wesley
J. W. McDonald	Ira W. See	Otis White
Strother Melton	Paul L. Sidebottom	O. C. Whitfield
E. C. Moore	John A. Sugg, Jr.	—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 61. Resolution authorizing W. W. Robertson to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

Said resolution is as follows, viz:

Whereas, W. W. Robertson is now and was during all the times herein mentioned the owner of a certain tract of real estate located in the city of Mayfield, Graves County, Kentucky, consisting of approximately 140x152 feet, and upon which there is located four frame residences; and

Whereas, the State Highway Commission (now Department of Highways) in the construction of the overhead bridge which crosses the tracks of the Illinois Cenral Railroad Company, near the northern city limits of the City of Mayfield, Kentucky, and the approaches thereto, took about 1000 square feet of the above mentioned property across the front thereof in the construction of the approaches to said overhead bridge and closed up the public street in front of said property,

thereby injuring and damaging the balance of said property; and

Whereas, said State Highway Commission (now Department of Highways), nor any other person, has paid any compensation to the said W. W. Robertson for the taking of said property, or for the closing of said street, or for the injury and damage to his remaining property, Now Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. W. Robertson be and he is hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both of them, in any sum not in excess of \$1500.00 as the reasonable compensation for the taking of said property, for the closing of said street, and for the injury and damage to the rest of his property by the State Highway Commission (now Department of Highways).

§ 2. That the action herein authorized and permitted may be brought in the Graves Circuit Court, the situs of the property, and shall be commenced within one year from the passage hereof.

§ 3. That any party to said action may appeal from any judgment which may be rendered by the Graves Circuit Court to the Court of Appeals of Kentucky, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil action.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 54. Resolution authorizing F. W. Childers to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution is as follows, viz:

WHEREAS, on the twenty-eight (28) day of October, one thousand nine hundred thirty-seven (1937), F. W. Childers was traveling on the Frankfort and Georgetown Pike in Franklin County, Kentucky, and while traveling upon said highway a State Highway truck operated by an employee of the State and while acting within the scope of his employment for the State negligently and carelessly ran into and against the automobile operated by the said Childers, damaging it to the extent of three hundred (\$300.00) dollars; injuring the said Childers upon the face, nose, breast and legs; causing him to suffer great pain; incur medical bills; and lose time from his work, all to his damage in the sum of two hundred and fifty (\$250.00) dollars, all of which was brought about by the sole negligence and carelessness of the driver of said truck as above stated.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That F. W. Childers, be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either, in the Franklin Circuit Court, the county wherein said accident happened, for the damages to his automobile not to exceed the sum of three hundred (\$300.00) dollars; for damages for personal injuries to himself, loss of time from work, doctor's bills, physical suffering and pain, not to exceed for personal injuries, loss of time, doctor's bills, physical suffering and pain, two hundred and fifty (\$250.00) dollars. In the event any judgment is recovered by the said Childers in said suit, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer, and paid out of the General Fund. The case may be settled or compromised, with the consent and approval of the Attorney General of Kentucky.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of
 said resolution at length being dispensed with

Said resolution was read the third time by its title and
 passed.

The yeas and nays being taken on the passage of said
 resolution in accordance with the provision of the Constitu-
 tion were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hali	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said
 resolution was passed be reconsidered and that said motion
 lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 51. Resolution authorizing J. D. Johnson and George Appman to sue the Commonwealth of Kentucky, and State Highway Department.

Said resolution is as follows, viz:

WHEREAS, during the year 1933 the State Department of Roads and Highways of the Commonwealth of Kentucky, in construction of what is now known as State Highway No. 138, running from Calhoun, to Livermore, in McLean County, Kentucky, so constructed said highway as to change a natural water course so that it caused twenty acres of rich farm lands of said Johnson and Appman to overflow to their great damage, said twenty acres of land being worth forty dollars per acre or a total of \$400.00 and

WHEREAS, said owners have unsuccessfully sought to have the State Highway Engineers change such road, as then constructed, so that said damage would no longer exist, and

WHEREAS, said Johnson and Appman are claiming \$400.00 with interest at 6% from January, 1933 until paid,

NOW, THEREFORE,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That J. D. Johnson and George Appman be, and they are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Department of Roads and Highways in the McLean Circuit for said sum of \$800.00; with interest from January 1933 until paid, and in the event a judgment in any sum is recovered that same be paid by the auditor of the State of Kentucky by warrant on the State Treasurer, without execution being issued, but the judgment shall not exceed \$400.00, with 6% interest from January 1, 1933, and the

Commonwealth shall have the right to appeal, the same as the plaintiffs, and the same as in any other case.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said

resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

S. Res. 46. Resolution authorizing the Kentucky Children's Home Society, a Kentucky corporation, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

Said resolution is as follows, viz:

WHEREAS, on the 17th day of December, one Thousand Nine Hundred and Thirty-Six, an automobile belonging to the Kentucky Children's Home Society, a Kentucky corporation, was struck and damaged on Seventh Street, near the Latham Hotel in Hopkinsville, Christian County, Kentucky, by a truck numbered 234 and bearing 1936 Kentucky license number 36T-3-073, belonging to the Department of Highways, and being then and there operated in a careless and negligent manner by employees of said Department in the performance of their duties;

NOW, THEREFORE, BE IT RESOLVED by the General Assembly of the Commonwealth of Kentucky that the Kentucky Children's Home Society, a Kentucky corporation, be and it is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either, in the Franklin Circuit Court, for damages arising from the negligence of employees of the Department of Highways of Kentucky. Said suit shall be for any amount not exceeding the sum of One Hundred Sixty-Four Dollars and Ten Cents (\$164.10), and in the event any judgment is recovered by the said Kentucky Children's Home So-

ciety in said action, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 25. A resolution authorizing the personal representative of Mrs. Alda Dever, deceased, Logan Dever, and William Dever, or either of them, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

Said resolution is as follows, viz:

WHEREAS on the 31st day of July, 1937, Mrs. Alda Dever was killed, and a car belonging to Logan Dever was damaged, and serious personal injury done to said Logan Dever and also William Dever, in an accident which occurred on Highway 60 in Henderson County, Kentucky, near the Spottsville Bridge, and

WHEREAS it is claimed that said accident was brought about by the negligence and carelessness of the Commonwealth of Kentucky, and/or the State Highway Commission, through its agents, servants and employees: therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of Mrs. Alda Dever, deceased, wife of C. W. Dever, of Larue County, Kentucky, Logan Dever and William Dever, or either of them be and they are hereby authorized to sue the Commonwealth of Kentucky and/or the State Highway Commission in the Circuit Court of Henderson County, Kentucky, for such damages as may have been suffered by the estate of said Mrs. Alda Dever, and by Logan Dever and William Dever, or either of them, by reason

of the negligence of the State Highway Commission, its servants, agents or employees. Said suits shall be in a total amount not to exceed Eleven Thousand (\$11,000.00) Dollars, and in the event a judgment is recovered by said parties, or either of them, or said claims are compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasury, and payable out of General Fund.

Either party to said suit may appeal from any judgment which may be entered therein, as in any other civil case, and said cases, or either of them may be settled and adjusted with the approval of the Attorney General of Kentucky, as in any other similar action.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Stanley Blake	Dr. D. H. Bush
Aubrey Barbour	Ollie J. Bowen	Edwin C. Dawson
Paul M. Basham	Leer Buckley	Lee Gibson

Ralph Gilbert	J. Lee Moore	J. E. Trager	
John M. Hall	Dr. R. C. Moss	Ervine Turner	
H. Watt Hillman	Ray B. Moss	E. T. Wesley	
J. W. McDonald	Ira W. See	Otis White	
Strother Melton	Paul L. Sidebottom	O. C. Whitfield	
E. C. Moore	John A. Sugg, Jr.		—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 24. Resolution authorizing Richard Cox, Frank Anderson and Earl Dacon, to sue the Commonwealth of Kentucky and Fish and Game Commission of the Commonwealth or either.

Said resolution is as follows, viz:

WHEREAS the estate of Isaac Bernheim has purchased about 15,000 acres of mountainous land located, partly in Bullitt County and partly in Nelson County, in this Commonwealth and said land is held by said estate for the Commonwealth of Kentucky and is known as the Bernheim Foundation for the rearing and protection of wild animals and wild turkeys of all kind, and whereas the Commonwealth has, through its Fish and Game Commission, placed on said land large numbers of deer and same have been prolific and increased to a very large number, and are not confined on the above said land, but are permitted to run in large droves over land adjoining and surrounding this said fifteen thousand acres and

destroy the crops of the farmers in the surrounding country, and said deer are by sections 1938a-16 and 1938a-17 and amendments thereto of Carroll's Kentucky Statutes, Baldwin's Revision, protected from being killed or chased by dogs.

WHEREAS, Richard Cox, Frank Anderson and Earl Deacon are farmers in the surrounding territory of the above said 15,000 acres of land and were such farmers during the years 1933, 1934, 1935, 1936 and 1937, and during the above said years the deer as above said have gone upon the land cultivated by Richard Cox and destroyed his crops and damaged him in the sum of \$1500.00, and have gone upon the land cultivated by Frank Anderson during said years and destroyed his crops and damaged him in the sum of \$1000.00, and have during the same years gone upon the crops of Earl Deacon and destroyed same, thereby damaging him in the sum of \$1200.00.

NOW, in order that Richard Cox, Frank Anderson and Earl Deacon and each of them may have their "Day in Court" to determine by judicial action the extent of damages, if any, sustained by them, and the liability therefor.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Richard Cox, Frank Anderson and Earl Deacon, and each of them, in their own right and name, be and they are respectively hereby empowered and authorized to file and prosecute appropriate actions severally and respectively, against the Commonwealth of Kentucky, and the State Game and Fish Commission, or either for the purpose of determining the liability of the Commonwealth of Kentucky, and the State Game and Fish Commission, or either for such damages sustained, if any there be; and in the event any judgment in either action is recovered by said Richard Cox, Frank Anderson or Earl Deacon, or either of them, or same are compromised or settled, same shall be paid by the Auditor of Public

Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in other civil suits and the case may be settled and adjusted with and by the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

§ 3. Said action may be brought in Bullitt County, the county where the damage was done, in the Circuit Court of said county. The limit of liability as to Richard Cox is \$1500.00 (Fifteen Hundred Dollars); as to Frank Anderson is \$1000.00 (One Thousand Dollars) and as to Earl Dacon is \$1200.00 (Twelve Hundred Dollars)

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Paul M. Basham	Ollie J. Bowen
Aubrey Barbour	H. Stanley Blake	Leer Buckley

Dr. D. H. Bush	Strother Melton	John A. Sugg, Jr.
Edwin C. Dawson	E. C. Moore	J. E. Trager
Lee Gibson	J. Lee Moore	Ervine Turner
Ralph Gilbert	Dr. R. C. Moss	E. T. Wesley
John M. Hall	Ray B. Moss	Otis White
H. Watt Hillman	Ira W. See	O. C. Whitfield
J. W. McDonald	Paul L. Sidebottom	—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 19. Resolution authorizing W. J. Hockaday to file suit against the Commonwealth of Kentucky or the State Highway Commission, or either.

Said resolution is as follows, viz:

WHEREAS, on August 6, 1937, about eighteen miles from Georgetown, Kentucky, on U. S. 25, W. J. Hockaday's car was involved in an accident, which accident was caused by the alleged negligence of the employees and agents of the Commonwealth of Kentucky and the State Highway Commission.

WHEREAS, the road was being constructed and the said employee failed to put a light or sign to inform the public that the road was in a dangerous condition.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That W. J. Hockaday, in his own right and name, be and he is hereby permitted and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky for the purpose of determining the liability of the Commonwealth of Kentucky for injuries to his automobile, if any there be.

§ 2. Such action may be brought in any circuit court of the Commonwealth of Kentucky.

§ 3. Said suit for W. J. Hockaday shall be for any amount not exceeding the sum of Seventy-five (\$75.00) Dollars. In event judgment is recovered by said W. J. Hockaday, or compromised, or settlement is made same shall be paid to W. J. Hockaday, by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the General Fund.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Thoes who voted in the affirmative were—

Wm. R. Attkisson Aubrey Barbour Paul M. Basham

H. Stanley Blake	H. Watt Hillman	Paul L. Sidebottom
Ollie J. Bowen	J. W. McDonald	John A. Sugg, Jr.
Leer Buckley	Strother Melton	J. E. Trager
Dr. D. H. Bush	E. C. Moore	Ervine Turner
Edwin C. Dawson	J. Lee Moore	E. T. Wesley
Lee Gibson	Dr. R. C. Moss	Otis White
Ralph Gilbert	Ray B. Moss	O. C. Whitfield
John M. Hall	Ira W. See	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 18. Resolution authorizing and permitting Sill Hamilton to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on or about the 22nd day of April, 1936, Sill Hamilton of Floyd County, while crossing U. S. Highway Number 23, at Ivel, Kentucky, was run into by an automobile being driven by employees of the Commonwealth of Kentucky, and was severely, painfully and permanently injured about the hand, side, head, face and other parts of his body.

WHEREAS, it is claimed that said collision was entirely caused and brought about by the gross negligence and gross carelessness of the agents, servants and employees of the Commonwealth of Kentucky in the operation of said automobile and

WHEREAS, he sustained said serious, painful and permanent injuries because of the alleged carelessness and neg-

ligence of the said employees of the Commonwealth of Kentucky while in the discharge and conduct of the business of the Commonwealth; therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That said Sill Hamilton be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky in the Circuit Court of the County of his residence, for such damages as he may have suffered, if any, by reason of any injuries received by him through the carelessness or negligence of the Commonwealth of Kentucky, its agents or employees. Said suit shall be for any amount not exceeding the sum of Five Thousand (\$5000.00) Dollars, and in the event any judgment is recovered by the said Sill Hamilton in said suit for injuries to himself or same is compromised or settled, same shall be paid by Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 16. Resolution authorizing the personal representative of Jasper Johnson, deceased, to file and prosecute suit against the Commonwealth of Kentucky and the State Highway Commission or either of them.

Said resolution is as follows, viz:

WHEREAS, one Robert Johnson was employed as a laborer by the State Highway Department and became physically incapacitated to perform said work and Jasper Johnson, with the consent and by agreement of the State Highway Foreman in charge of said work, was substituted for said Robert Johnson, and performed and was engaged in performing work and labor for the Commonwealth of Kentucky and the State Highway Commission, and on July 13, 1935, on

State Highway Number 52 in Lee County, Kentucky, while in the course of his employment and performance of the duties thereof and while riding in a vehicle being driven by another employee of the Commonwealth of Kentucky and the State Highway Commission a collision with another vehicle occurred in which the said Jasper Johnson was thrown from said vehicle to the pavement of the State Highway and sustained injuries from which he died;

WHEREAS, through mistake and oversight of the State Highway Foreman the name of the said Jasper Johnson was not placed on the payroll and employment roll of the State Highway Department and the name of the said Jasper Johnson was not signed on the Workmen's Compensation Register and an adjustment and settlement with the estate and personal representative of the said Jasper Johnson can not therefore be made under the provisions of the Workmen's Compensation Law,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the personal representative of Jasper Johnson, deceased, be and the said personal representative is hereby permitted, empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such injury and death and medical, surgical, ambulance, hospital and burial expenses, if any there be; and in the event any judgment in such action is recovered by the personal representative of the said Jasper Johnson, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit

and the liability, claim and case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same way and manner as any other civil case.

§ 3. Said action may be brought in the Lee Circuit Court or any county of Kentucky having jurisdiction of the parties and subject matter. The limit of liability shall be One Hundred (\$100.00) Dollars for ambulance, medical, surgical and hospital expenses and Seventy-five (\$75.00) Dollars for burial expenses, and Four Thousand (\$4,000.00) Dollars for the death of the said Jasper Johnson, or a total of Four Thousand One Hundred Seventy-five (\$4,175.00) Dollars.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Stanley Blake	Dr. D. H. Bush
Aubrey Barbour	Ollie J. Bowen	Edwin C. Dawson
Paul M. Basham	Leer Buckley	Lee Gibson

Ralph Gilbert	J. Lee Moore	J. E. Trager
John M. Hall	Dr. R. C. Moss	Ervine Turner
H. Watt Hillman	Ray B. Moss	E. T. Wesley
J. W. McDonald	Ira W. See	Otis White
Strother Melton	Paul L. Sidebottom	O. C. Whitfield
E. C. Moore	John A. Sugg, Jr.	—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 14. A resolution, authorizing, permitting and empowering Lina Throckmorton and/or Harold Throckmorton, either or both of them, jointly or separately, to sue the Commonwealth of Kentucky, and the State Highway Commission, (now Department of Highways), either or both.

Said resolution is as follows, viz:

Whereas the State Highway Commission (now Department of Highways) in the construction of a highway, beginning in Mt. Olivet, Kentucky, and extending thence to the junction thereof with Highway No. 9, near Claysville, Kentucky, and now a portion of U. S. Highway No. 62, negligently and carelessly so constructed said highway as to permanently injure and damage the premises, residence, wells and cisterns of the said Lina Throckmorton and/or Harold Throckmorton and injure, damage and destroy the residence use and sale value thereof, located in the said town of Mt. Olivet, Robertson County, Kentucky, now, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. Said Lina Throckmorton and Harold Throckmorton, either or both of them be, and they or either of them are hereby authorized, permitted and empowered to sue the Commonwealth of Kentucky and the State Highway Commission, (now Department of Highways) either or both of them, in any sum not in excess of FIVE THOUSAND (\$5000.00) DOLLARS, for loss and damage caused and sustained by reason of the negligent construction of a portion of a highway, (now U. S. No. 62) extending upon, along and in front of the residence property of the said Lina Throckmorton and/or Harold Throckmorton in the town of Mt. Olivet, Robertson County, Kentucky.

§ 2. That the action hereby authorized and permitted may be brought in the Robertson Circuit Court, the situs of the property and shall be commenced within one year from and after the passage hereof.

§ 3. That any party to said action shall have the right of appeal from any judgment rendered by the Robertson Circuit Court, to the Court of Appeals.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 13. Resolution authorizing D. J. Harman of Wayland, Kentucky, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

Said resolution is as follows, viz:

WHEREAS, on the 25th day of October, 1937, D. J. Harman of Wayland, Kentucky, while traveling at or near Stanton, Kentucky, going towards the town of Winchester, Ken-

tucky was injured by a large truck of the Highway Department striking his automobile and demolishing same, and

WHEREAS, his right knee was severely injured, leaving the knee stiff, and also breaking his nose, lacerating his face and forehead and lips and loosening several teeth, and

WHEREAS, the said Harman sustained serious and permanent injury by reason of the alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the State's business, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That D. J. Harman be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and/or the State Highway Commission, in the circuit court of the county of his residence, for such damages and injury as he may have suffered, if any, by reason of any injury received by him through the carelessness or negligence of the State Highway Commission, its agents or employees. In the event any judgment may be recovered by the said D. J. Harman the same shall be paid by the Auditor by warrant on the Treasurer of the Commonwealth.

§ 2. Either party to said suit may appeal from any judgment rendered in this case to the Court of Appeals of Kentucky, and the case may be settled and adjusted with the consent of the Attorney General of Kentucky in the same way as any other civil suit.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 12. Resolution. Damages to Automobile.

Said resolution is as follows, viz:

Whereas, on August 3, 1932, in Owsley County, Kentucky, and near the Lee County line, the State Highway Commission,

while repairing and constructing a large culvert across the main highway, negligently and carelessly left a large ditch three or four feet deep and about that wide with construction debris of rock, dirt and other materials on each side of said ditch, the said Highway left the same unguarded and unlighted and no warning signs whatsoever in the night time after having been duly warned that said unguarded and unlighted ditch would probably cause someone to be killed before daylight, and knowing same was dangerous to human life in ordinary use of said highway, and in this condition A. H. Bowman, while driving along said highway in the night time, and did not know and could not see said ditch, his new automobile was caused to run into said ditch and turned over several times and destroyed said automobile and damaged it in the sum of Six Hundred and Seventy-five (\$675.00) Dollars,

Now, in order that the said A. H. Bowman may determine the actual amount of his damages and all his rights caused by the carelessness and negligence aforesaid, if any, and the damages to said automobile, be it resolved by the General Assembly of the Commonwealth of Kentucky that:

§ 1. A. H. Bowman be and is hereby empowered and authorized to file suits against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such damage, if any there be, arising from the destruction and damage of his said automobile; and in the event any judgment is recovered or some is compromised and settled, the judgment or amount agreed on in compromise, if any, shall be paid by the Auditor of Public Accounts by a warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Said action may be brought in any county having jurisdiction of the parties and subject matter. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit and the case may be

settled and adjudged with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 11. Resolution authorizing the personal representative or representatives of W. H. Hyden, deceased, to sue the Commonwealth of Kentucky

Said resolution is as follows, viz:

Whereas, W. H. Hyden, of Estill County, Kentucky, died March 7, 1936, as the result of injuries received in Pike County, Kentucky, in the employ of the Commonwealth of Kentucky, in its Reforestry Department, allegedly as the result of the negligence of one or more of the other servants, employees or officials of the Commonwealth, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative or representatives of W. H. Hyden, deceased, be and they are hereby authorized to sue the Commonwealth of Kentucky in the Circuit Court for either Estill or Pike or Franklin Counties, as the plaintiff or plaintiffs may elect, for the damages to his estate from the negligence, if any, of any one or more either of the employees or agents or servants or officials of the Commonwealth of Kentucky, hereby waiving the Commonwealth's immunity from liability for such negligence, if any; that the Attorney General may in his discretion compromise such suit; that from any judgment either party may appeal to the Court of Appeals; that any recovery by said estate shall be paid by the State Treasurer of Kentucky, out of the general fund, upon the warrant of the Auditor of Public Accounts of Kentucky.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of
 said resolution at length being dispensed with

Said resolution was read the third time by its title and
 passed.

The yeas and nays being taken on the passage of said
 bill in accordance with the provision of the Constitu-
 tion were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	Ira W. See
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	

--26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said
 resolution was passed be reconsidered and that said motion
 lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 10. Resolution authorizing John R. Clarke, Jr., and Edith S. Clarke to sue the Commonwealth of Kentucky, the State Highway Commission, or either or both of them.

Said resolution is as follows, viz:

WHEREAS, on the 21st of October, 1937 about 8:30 A. M., John R. Clarke, Jr. and his wife Edith S. Clarke of Jackson, Breathitt County, Kentucky, were injured and the car of John R. Clarke, Jr., practically demolished while John R. Clarke, Jr., was driving his car West on Highway No. 60 at a point about fifteen miles East of Morehead in Carter County, Kentucky.

WHEREAS, at the time of said accident Mr. Carol Ratliff, the right-of-way agent for the State Highway Department, while acting in the scope of his employment and upon the duties of the said Highway Department, negligently and carelessly caused the State Highway Department car to run into and collide with car of John R. Clarke, Jr., causing John R. Clarke, Jr., and his wife, Edith S. Clarke, to be injured, from which injuries they were compelled to have medical attention and suffered great pain for a long period of time.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That John R. Clarke, Jr., and Edith S. Clarke, his wife, be, and they are hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or both or either of them in the Circuit Court of Carter County, Kentucky, for such damages as they suffered by reason of personal injuries and property damage caused

and brought about by the carelessness and negligence of the State Highway Commission, its agents or employees.

That said suit shall be for an amount not exceeding the amount of Five Thousand (\$5,000.00) Dollars, and in the event any judgment is recovered by John R. Clarke, Jr., and his wife, Edith S. Clarke, in said suit for said personal injuries and property damage, or the same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

Either party to said suit may appeal from any judgment which may be entered herein as in any other civil suit and the case may be settled, compromised or adjusted with the consent and approval of the Attorney General of Kentucky in the same way and manner as any other civil suit.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson Aubrey Barbour Paul M. Basham

H. Stanley Blake	H. Watt Hillman	Paul L. Sidebottom
Ollie J. Bowen	J. W. McDonald	John A. Sugg, Jr.
Leer Buckley	Strother Melton	J. E. Trager
Dr. D. H. Bush	E. C. Moore	Ervine Turner
Edwin C. Dawson	J. Lee Moore	E. T. Wesley
Lee Gibson	Dr. R. C. Moss	Otis White
Ralph Gilbert	Ray B. Moss	O. C. Whitfield
John M. Hall	Ira W. See	—26

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 57. An Act to repeal Section 3629 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, relating to marshals, their duties and powers and the collection of taxes in cities of the fifth class and creating in lieu thereof a police department in cities of the fifth class, vesting the appointing power of the chief of police, policemen, number, term of office, grades and compensation in the city council of cities of the fifth class, and fixing their duties and qualifications and term of office and how elected.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3629, of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed, amended and re-enacted so that when re-enacted it will read as follows:

The city council of cities of the fifth class shall have power to appoint a police force, the number, grades, compensation and all regulations thereof to be provided by ordinance from time to time, whose term of office shall not exceed two years from the date of election, subject to removal for cause.

§ 2. No person shall be eligible as a policeman who is not at the time of his appointment a citizen of the United States and of the State of Kentucky, a resident of the city, at least twenty-one years of age, or who is not sober and of good moral character, or who has been convicted of a felony, or who cannot read and write the English language intelligible.

§ 3. Every policeman shall take an oath faithfully to perform the duties of his office, and that he possesses the qualifications required in this act.

§ 4. The chief of police and every policeman shall have the power to execute warrants of arrest, processes, subpoenas and attachments for witnesses, whether the same be directed to him or not. They and each of them shall have power to arrest as is prescribed by the general law for offenses against ordinances or municipal regulations of the city, and the same power of arrest for offenses against the Commonwealth of Kentucky that the sheriff has. Fees for any services under this section shall be the same as allowed by law to sheriffs and other officers for such services but the city council may by ordinance direct that said fees be paid into the city treasury when the chief of police and policemen are employed on a salary.

§ 5. The policemen under this act shall have authority to make arrests anywhere in the county in which the city is located but shall not be required to police any territory outside of the city limits.

§ 6. Persons arrested for any bailable offense may be placed in the station house, county jail, or city jail, if necessary, for safe keeping until taken before the police court for examination.

§ 7. The city council shall have power to appoint a chief of police, who shall hold his office for a term of not longer than two years, or until his successor is appointed and qualified, subject to the power of removal for good cause at any time by the city council.

§ 8. The chief of police shall be in command of the police force of the city. He shall attend all sessions of the city council, execute the orders thereof and preserve order thereat. He shall attend all sessions of the city court, or have one of the police officers there, who shall act as sheriff of said court and execute all processes, orders and judgments of said court and he shall be entitled to the same fees for like services and to the same remedies for collecting his fees as the sheriff is entitled to, except that where he is employed on a salary by the city council and it is prescribed by ordinance that he shall turn said fees over to the city treasury he shall collect all fees due him and turn them over to the city treasury. The chief of police shall have supervision of the city jail, if the city has one, and the chain gang. It shall be the duty of the chief of police or any policeman of the city to cause proceedings to be instituted against any person carrying on a business, or doing any act for which a license is required, without paying such license.

§ 9. The chief of police shall collect all taxes placed in his hands for collection by the city council, except license taxes and taxes paid by banks, trust companies, building associations and other corporations, which taxes shall be paid directly to the treasurer. He shall on the first Monday in each month, pay to the treasurer all taxes and other funds of the city collected by him the preceding month. He shall upon payment of the money, file with the treasurer an affidavit stating that the money so paid is all the taxes or funds he has collected or received during said month. He shall upon receipt of any tax list give his receipt for same to the city clerk, and shall upon depositing with the city clerk the delinquent tax list, take his receipt therefor.

§ 10. The city council may appoint a city tax collector who shall perform the duties pertaining to the collection of taxes as heretofore set out in this chapter, but who shall give bond in such sum as may be required by the city council before entering upon the discharge of his duties.

§ 11. The chief of police before entering upon the discharge of his duties shall execute bond, with good surety, in the sum of Two thousand (\$2,000.00) dollars, and each policeman before he enters upon the discharge of his duties shall execute bond, with good surety, in the sum of one thousand (\$1,000.00) dollars, to be approved by the city council, to the Commonwealth of Kentucky for the benefit of whom it may concern, that he will faithfully discharge all the duties of his office and pay over all sums of money that may come into his hands to the person entitled thereto; and for any unlawful arrests, or unnecessary or cruel treating or assault in making an arrest, he and his sureties shall be liable to the person so injured on said bond.

§ 12. All acts or parts of acts in conflict herewith are hereby repealed, and if any provision of this act is held invalid, it shall not affect in any way the other provisions of the act, which shall remain in full force and effect.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Ray B. Moss
Aubrey Barbour	Wm. H. Jones, Jr.	Ira W. See
H. Stanley Blake	Leo King	Paul L. Sidebottom
Ollie J. Bowen	J. W. McDonald	John A. Sugg, Jr.
Lee Gibson	Stanley B. Mayer	Thomas O. Turner
Ralph Gilbert	Strother Melton	Otis White
John M. Hall	E. C. Moore	O. C. Whitfield
J. Joseph Hettinger	J. Lee Moore	B. M. Williams

—24

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

In the absence of the President of the Senate, the President of the Senate designated Senator E. C. Moore as President pro tempore of the Senate, and Senator Moore took the chair and presided.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 35. An Act adopting as the Civil and Criminal Codes of Practice of the Commonwealth of Kentucky, the edition of Carroll's Kentucky Codes, Civil and Criminal, compiled and edited by William Edward Baldwin and Richard Priest Dietzman, issued in the year 1938.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the edition of Carroll's Kentucky Codes of Practice, Civil and Criminal, compiled and edited by William Edward Baldwin and Richard Priest Dietzman, issued in the year 1938, be and the same are hereby adopted as the Civil and Criminal Codes of Practice of the Commonwealth of Kentucky, and in all Civil and Criminal proceedings, the Civil Code contained therein from sections 1 to 839 inclusive, and the Criminal Code from sections 1 to 450 inclusive, may be cited or referred to as the Civil and Criminal Codes of Practice of the Commonwealth of Kentucky by reference to, or citation of any of said sections, and any of the sections therein may be amended or repealed by the General Assembly of the Commonwealth of Kentucky in the manner now provided by reference to and citation of the section of said Carroll's Codes of Practice without giving the date or title of the act from which the section is taken.

Whereas this act will save a great deal of labor and time in the investigation and enactment of laws, and will prevent confusion and uncertainty, an emergency is declared to exist, and this act shall take effect and be in force from and after its approval by the Governor.

All acts or parts of acts in conflict with this act are hereby repealed.

Senator Gilbert moved the Previous Question.

Whereupon, the President pro tempore of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Ira W. See
Aubrey Barbour	Wm. H. Jones, Jr.	Paul L. Sidebottom
H. Stanley Blake	J. W. McDonald	John A. Sugg, Jr.
Edwin C. Dawson	Stanley B. Mayer	Thomas O. Turner
Lee Gibson	Strother Melton	Otis White
Ralph Gilbert	E. C. Moore	O. C. Whitfield
John M. Hall	J. Lee Moore	B. M. Williams
J. Joseph Hettinger	Ray B. Moss	J. E. Wise

—24

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 36. An Act adopting as the law of the Commonwealth of Kentucky the edition of Carroll's Kentucky Statutes compiled and edited by William Edward Baldwin and Richard Priest Dietzman, issued in the year 1936, and the Supplement thereto compiled and edited by William Edward

Baldwin and Richard Priest Dietzman, issued in April, 1937, and the Supplement thereto compiled and edited by William Edward Baldwin and Richard Priest Dietzman, issued in the year October, 1937, and known as Baldwin's Kentucky Statutes Service.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the edition of Carroll's Kentucky Statutes compiled and edited by William Edward Baldwin and Richard Priest Dietzman, issued in the year 1936, and the Supplement thereto compiled and edited by William Edward Baldwin and Richard Priest Dietzman, issued in April, 1937, and the Supplement thereto compiled and edited by William Edward Baldwin and Richard Priest Dietzman, issued in October, 1937, and known as Baldwin's Kentucky Statutes Service, be and the same are hereby adopted as the law of the Commonwealth of Kentucky, and in all actions and proceedings the laws contained therein from sections 1 to 4987, inclusive, including amendatory or supplemental sections may be cited or referred to as the law of the Commonwealth of Kentucky by reference to, or citation of any of said sections, and any of the sections therein may be amended or repealed by the General Assembly of the Commonwealth of Kentucky in the manner now provided, by reference to and citation of the section of said Statutes without giving the date or title of the act from which the section is taken.

Whereas this act will save a great deal of labor and time in the investigation and enactment of laws, and will prevent confusion and uncertainty, an emergency is declared to exist, and this act shall take effect and be in force from and after its approval by the Governor.

All acts or parts of acts in conflict with this act are hereby repealed.

Senator Gilbert moved the Previous Question.

Whereupon, the President pro tempore of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Wm. H. Jones, Jr.	John A. Sugg, Jr.
Aubrey Barbour	Leo King	Jos. P. Tackett
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Stanley B. Mayer	Ervine Turner
Edwin C. Dawson	Strother Melton	Thomas O. Turner
Lee Gibson	E. C. Moore	Otis White
Ralph Gilbert	J. Lee Moore	O. C. Whitfield
John M. Hall	Ray B. Moss	B. M. Williams
J. Joseph Hettinger	Ira W. See	J. E. Wise
H. Watt Hillman	Paul L. Sidebottom	

—29

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 262. An Act regulating and limiting the liability of hotel keepers and inn keepers, and providing circumstances under which liability may be limited; defining the persons to whom this Act shall be applicable; repealing Section 1 of Chapter 228 of the Acts of the General Assembly of the Commonwealth of Kentucky of the year 1893, now constituting Section 2176, Carroll's Kentucky Statutes, Baldwin's 1936 Edition, and all other Acts inconsistent herewith.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Safes; limited liability. Whenever the proprietor or manager of any hotel, apartment hotel or inn shall provide a safe in a convenient place, for the safekeeping of any money, jewels, ornaments, furs, bank notes, bonds, negotiable securities, or other valuable papers, precious stones, railroad tickets, articles of gold and silver manufacture, or other valuable property of small compass, belonging to the guests of such hotel, apartment hotel or inn, and shall notify the guests thereof by posting a copy of this law in a public and conspicuous place and manner in the office, public rooms and in the public parlors of such hotel, apartment hotel or inn, stating the fact that such safe is provided in which such property may be deposited; and if such guests shall neglect to deliver such property to the person in charge of such office, for deposit in such safe, the proprietor or manager of such hotel, apartment hotel or inn shall not be liable for any loss of any such property, sustained by such guests by negligence of such proprietors, his, her or its employees, or by fire, theft, burglary or any other cause; but no proprietor, manager or lessee of any hotel, apartment hotel or inn shall be obliged to receive property on deposit for safekeeping exceeding three hundred dollars in value; and if such guests shall deliver such property to the person in charge of said office for deposit in such safe, said proprietor, manager, or lessee, shall not be liable for

the loss or damage thereof, sustained my such guests, in any sum exceeding the sum of thre hundred dollars, notwithstanding said property may be of greater value, unless by special agreement in writing with such proprietor, manager or lessee.

§ 2. Liability for loss of other personal property limited. Except as provided for in the foregoing section, the proprietor of a hotel, apartment hotel or inn, shall not be liable for the loss of or damage to personal property brought into such hotel, apartment hotel or inn by any of the guests thereof, exceeding one hundred dollars in value unless such loss or damage is occasioned by the negligence of such proprietor, his agents, servants or employees; nor shall he be liable for the loss of or damage to any merchandise samples or merchandise for sale unless the guest shall have given such keeper prior written notice of having the same in his possession, together with the value thereof, the receipt of which notice shall have been acknowledged in writing; but in no event such liability exceed the sum of two hundred dollars, unless he shall have contracted in writing with such guests to assume a greater liability; nor shall he be in any event liable for the loss of or damage to any such property caused by fire, unless occasioned by negligence of the proprietor, his agents, servants or employees. In case of loss of or damage to any property left by a guest, after he has departed from any hotel and ceased to be a guest thereof, the liability of the proprietor shall be that of "Gratuitous bailee," and in such case the exent of such liability shall be limited to not more than one hundred dollars. In case of loss of or damage to any property while in transport to or from any hotel on behalf of the guest thereof, the liability of the proprietor shall be limited to on hundred dollars unless the guest shall have given prior written notice of the value thereof, the receipt of which notice shall have been acknowledged in writing, but in no event shall such liability exceed the sum of two hundred dollars, unless he shall have contracted in writing with such guest to assume a greater liability.

An apartment hotel, within the meaning of this Act, includes a hotel wherein apartments are rented for fixed periods of time, either furnished or unfurnished, to the occupants of which the keeper of such hotel supplies food, if required.

§ 4. Section 1 of Acts of 1893 of the General Assembly of the Commonwealth of Kentucky, now consistuting Section 2176 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition, and all other Acts or parts of Acts inconsistent or in conflict herewith are hereby repealed.

Senator Mayer moved the Previous Question.

Whereupon, the President pro tempore of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Strother Melton
Aubrey Barbour	J. Joseph Hettinger	E. C. Moore
H. Stanley Blake	H. Watt Hillman	J. Lee Moore
Ollie J. Bowen	Wm. H. Jones, Jr.	Ray B. Moss
Edwin C. Dawson	Leo King	Ira W. See
Lee Gibson	J. W. McDonald	Paul L. Sidebottom
Ralph Gilbert	Stanley B. Mayer	Jos. P. Tackett

Otis White
J. E. Wise

O. C. Whitfield

B. M. Williams

—25

There voted in the negative—

John A. Sugg, Jr.

—1

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 27. Joint Resolution directing the payment to William D. Overton of the sums directed to be paid pursuant to the Joint Resolution of the General Assembly, for the benefit of William D. Overton, approved March 15, 1924, and appearing in the Acts of the General Assembly of 1924, as Chapter 297, on page 614.

Said resolution is as follows, viz:

WHEREAS, the Act of the General Assembly of 1938, Known as the Budget Act, does not specifically mention the item herein referred to:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That said Budget Act shall in no wise be construed as a repudiation of the obligation of the Commonwealth of Kentucky provided in the Act approved March 15, 1924, being Chapter 297 of the Acts of 1924, nor shall said Budget Act of 1938 be construed as a repeal of said Act of March 15, 1924,

providing the payment of Fifty Dollars (\$50.00) per month to said William D. Overton so long as he shall live.

§ 2. That the Auditor of Public Accounts is directed to draw his warrants upon the Treasurer payable to the said William D. Overton, in such amounts and at such times as they severally mature pursuant to said Act of March 15, 1924.

Senator Barbour moved the Previous Question.

Whereupon, the President pro tempore of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Paul L. Sidebottom
Aubrey Barbour	Leo King	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	Jos. P. Tackett
Ollie J. Bowen	Stanley B. Mayer	Thomas O. Turner
Edwin C. Dawson	Strother Melton	Otis White
Lee Gibson	E. C. Moore	O. C. Whitfield
Ralph Gilbert	J. Lee Moore	B. M. Williams
John M. Hall	Ray B. Moss	J. E. Wise
J. Joseph Hettinger	Ira W. See	

Resolved that the title thereof be as aforesaid—

Senator Barbour moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 6. An Act to amend Section 1 of Chapter 87 of an Act entitled: "An Act to authorize the incorporation of Chambers of Commerce, provide for their government and the collection of dues and to authorize appropriations thereto by City Councils and City Commissioners of cities of the 3rd and 4th classes in the Commonwealth of Kentucky; and to include cities of the 2nd class," said Act being enacted by the General Assembly and approved March 17, 1928, and being Sections 2741n-1, Kentucky Statutes, 1930 Carroll's Edition, making the provisions of said Act applicable to cities of the 2nd class.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1 of Chapter 87 of an Act, entitled an Act to authorize the incorporation of Chambers of Commerce, provide for their government and collection of dues, and to authorize appropriations thereto by City Councils and City Commissioners of cities of the third (3rd) and fourth (4th) class in the Commonwealth of Kentucky; said Act being enacted by the General Assembly and approved March 17, 1928, and same being Section 2741n-1, Kentucky Statutes, 1930 Carroll's Edition, be and the same is hereby amended and re-enacted to read as follows:

“Creation; purpose.—For the purpose of advertising, promoting and developing the natural resources, and to promote the general welfare, better business methods, and civic conditions, a corporate body is hereby authorized in cities of the second (2nd), third (3rd), and fourth (4th) class in the Commonwealth of Kentucky.”

Senator Barbour moved the Previous Question.

Whereupon, the President pro tempore of the Senate announced, “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Ira W. See
Aubrey Barbour	H. Watt Hillman	Paul L. Sidebottom
H. Stanley Blake	Leo King	Jos. P. Tackett
Ollie J. Bowen	Stanley B. Mayer	Otis White
Edwin C. Dawson	Strother Melton	O. C. Whitfield
Lee Gibson	E. C. Moore	B. M. Williams
Ralph Gilbert	J. Lee Moore	J. E. Wise
John M. Hall	Ray B. Moss	

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There voted in the negative—

J. W. McDonald

—1

Resolved that the title thereof be as aforesaid—

Senator Barbour moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 31. Joint resolution for the benefit of Lieutenant O. J. Wilson, an officer in Company C 149th Infantry United States Guard, who received serious and painful injuries in the service of the Commonwealth of Kentucky.

Said resolution is as follows, viz:

Whereas, the Honorable A. B. Chandler, Governor of the Commonwealth of Kentucky, directed a certain force of the United States Guard under the command of Captain Ben C. Herndon to Harlan County, Kentucky, in November, 1937, and,

Whereas, Lieutenant O. J. Wilson, being one of the officers of said United States Guard and being in Harlan County pursuant to the order of the Honorable Governor, as above set forth, was, on November 6, 1937, directed by his superior officers and detailed by them to ascertain whether any troops or men off duty were present in a certain road house, the Bell County Country Club, in Bell County, Kentucky, and,

Whereas, the said O. J. Wilson, in the performance of his duties and in obedience to the order of his superior officers, went to said road house for the purpose of carrying out the orders of his superior officers, and,

Whereas, the Lieutenant O. J. Wilson was there attacked and brutally assaulted and injured, with a pistol or other

sharp or heavy or dangerous weapon by a civilian, one Frank White, said attack being without provocation or fault on the part of the said Lieutenant O. J. Wilson, and,

Whereas, in consequence thereof the said Lieutenant Wilson did then and there suffer a severe head injury and scalp injury and a considerable loss of blood and a total severing of the temporal artery and a permanent damage to the optic nerve of the left eye, and the further possibility of more serious future results, to wit: cystic degeneration to the tissues of the brain, the ultimate result of which would be the loss of life of the said O. J. Wilson, and,

Whereas, all of said injuries were suffered by the said Lieutenant O. J. Wilson in the performance of his duties and in the obedient and faithful execution of the work assigned to him, and in the service of the Commonwealth of Kentucky, and,

Whereas, the said Lieutenant O. J. Wilson suffered an actual loss of \$137.50 in physicians' and surgeons' bills, medical supplies and hospitalization, and,

Whereas, the said O. J. Wilson, being dependent for a livelihood upon his position as a teacher in the public schools of this Commonwealth, was incapacitated from any and all work for a period slightly in excess of two weeks, representing a monetary loss, in addition to the losses above enumerated, of \$60.00 in salary, the said O. J. Wilson being unable to perform any work of any character for said period, and,

Whereas, under present laws, the said Lieutenant O. J. Wilson has no means of being reimbursed, either for the injury suffered by him or for the expenditures necessarily lost thereby:

Now, Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the Auditor of Public Accounts is directed to draw his warrant upon the State Treasurer for the sum of \$500.00 in favor of the said Lieutenant O. J. Wilson.

§ 2. That this Act shall take effect from and after its passage.

Senator Ray B. Moss moved the Previous Question.

Whereupon, the President pro tempore of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leo King	John A. Sugg, Jr.
Aubrey Barbour	J. W. McDonald	Jos. P. Tackett
H. Stanley Blake	Stanley B. Mayer	J. E. Trager
Ollie J. Bowen	Strother Melton	Thomas O. Turner
Edwin C. Dawson	E. C. Moore	Otis White
Lee Gibson	J. Lee Moore	O. C. Whitfield
John M. Hall	Ray B. Moss	B. M. Williams
J. Joseph Hettinger	Ira W. See	J. E. Wise
Wm. H. Jones, Jr.	Paul L. Sidebottom	

—26

Resolved that the title thereof be as aforesaid—

Senator Ray B. Moss moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

II. B. 19. An Act to amend Chapter 94 of the 1936 Edition of Carroll's Kentucky Statutes, by repealing and re-enacting Sections 3767 and 3773 of said Carroll's Kentucky Statutes, being parts of said Chapter 94, relating to the business that may be conducted by limited partnerships and relating to the firm name of such partnerships; and prescribing the types of business that may be thenceforth conducted by limited partnerships and prescribing limitations in firm names to be adopted by such partnerships.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section three thousand seven hundred and sixty-seven (3767) and Section three thousand seven hundred and seventy-three (3773) of Carroll's Kentucky Statutes, be and they are hereby repealed and re-enacted, so that said sections, when repealed and re-enacted, shall read as follows:

“3767. Limited partnerships for the transaction of mercantile, agricultural, mechanical, brokerage and manufacturing business, or for the mining and transporting of coal, may be formed upon the terms, and subject to the conditions and liabilities, prescribed in this Chapter; but none such shall be formed for the purpose of banking or insurance.

“3773. The business shall be conducted under a firm name composed exclusively of the name of a general partner,

or the name of a former general partner who shall have died or who shall have given his consent in writing to the use of his said name, or the names of some or all of the general partners, with or without the addition of the word 'company', or some equivalent term. If the name of any special partner be used by the firm with his consent, or if he make any contract or transact any business for the firm, as agent or otherwise, he shall be deemed a general partner, but he may examine the condition of its affairs and advise as to conducting its business without so becoming a general partner."

Senator McDonald offered the following amendment to said bill, viz:

Amend H. B. 19 by adding at line 7, page 1, after the ",", following the word "business" the following additional language: "or for acting as agents for insurance companies"

Said amendment to said bill was agreed to.

Senator McDonald moved the Previous Question.

Whereupon, the President pro tempore of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	Wm. H. Jones, Jr.	Paul L. Sidebottom
Aubrey Barbour	Leo King	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	Jos. P. Tackett
Ollie J. Bowen	Stanley B. Mayer	J. E. Trager
Edwin C. Dawson	Strother Melton	Otis White
Lee Gibson	E. C. Moore	O. C. Whitfield
John M. Hall	J. Lee Moore	B. M. Williams
J. Joseph Hettinger	Ray B. Moss	
H. Watt Hillman	Ira W. See	

—25

Resolved that the title thereof be as aforesaid.

Senator McDonald moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion last named was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 84. An Act amending the Constitution of the Commonwealth of Kentucky, relating to assistance to the aged, to the blind, and to dependent children, and to other assistance in cooperation with the federal government under the Social Security Act and acts amendatory thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That upon the concurrence of three-fifths of all the members elected to each house of the General Assembly of the Commonwealth of Kentucky, the yeas and nays being taken thereon and entered in full on their respective journals that there be and it is hereby adopted an amendment to the

constitution of Kentucky, which shall read as follows: The General Assembly shall provide by law for assistance to the aged, to the blind, and to dependent children, and for other assistance in cooperation with the federal government under the Social Security Act and acts amendatory thereto.

§ 2. This amendment shall be submitted to the voters of the State for their ratification or rejection at the time and in the manner provided for under Section 256 of the Constitution of Kentucky under Section 1459 of Baldwin's Revised Edition of Carroll's Statutes, 1930 Official Edition.

Senator J. Lee Moore moved the Previous Question.

Whereupon, the President pro tempore of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Stanley B. Mayer
Aubrey Barbour	J. Joseph Hettinger	Strother Melton
H. Stanley Blake	H. Watt Hillman	E. C. Moore
Ollie J. Bowen	Wm. H. Jones, Jr.	J. Lee Moore
Edwin C. Dawson	Leo King	Ray B. Moss
Lee Gibson	J. W. McDonald	Ira W. See

Paul L. Sidebottom	J. E. Trager	O. C. Whitfield
John A. Sugg, Jr.	Thomas O. Turner	B. M. Williams
Jos. P. Tackett	Otis White	J. E. Wise

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Resolved that the title thereof be as aforesaid—

Senator J. Lee Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 185. An Act relating to the Department of Highways and providing for the employment of an Assistant Attorney General for said department, prescribing his qualifications and duties, the manner and term of his appointment, providing for his salary and the manner in which same shall be paid, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to the Assistant Attorneys General now provided for by law, or that may be hereafter provided for, the Attorney General of the Commonwealth of Kentucky, with the approval of the Commissioner of Highways, shall appoint an Assistant Attorney General who shall be at least twenty-one years of age and shall be a regular licensed practicing attorney of the State of Kentucky.

§ 2. The Assistant Attorney General so appointed by the Attorney General of Kentucky shall be assigned to the Department of Highways and it shall be the duty of said

assistant to give his full time to the business connected with the Department of Highways and to represent the Department of Highways in all of its litigation and to advise the Commissioner of Highways and other employees of the said Department of Highways when called upon to do so by said Commissioner or any of the employees of said Department of Highways, subject, however, at all times to the direction of the Attorney General of the Commonwealth of Kentucky, and the actions of the said Assistant Attorney General shall be in the name of the Attorney General of the Commonwealth of Kentucky, provided however, that the said Assistant Attorney General may, under the direction of the Attorney General perform other duties connected with the office of Attorney General when his time is not fully required by the Department of Highways.

§ 3. The said Assistant Attorney General provided for herein when appointed by the Attorney General and approved by the Commissioner of Highways, shall be paid a sum not to exceed five thousand (\$5,000.00) dollars per annum and the Commissioner of Highways is directed to fix the salary at a sum not to exceed said sum of five thousand (\$5,000.00) dollars per annum, and his salary shall be paid by the Department of Highways out of its appropriation and when said salary shall have been fixed by the Commissioner of Highways and approved by the Attorney General, the said assistant shall be paid in monthly installments as other State officials are now paid, and his term of office shall be for the term of the Attorney General who shall make the appointment, unless sooner removed by the Attorney General then in office.

§ 4. Whereas, the legal questions now presented to the Attorney General's office effecting the Department of Highways are numerous and have increased considerably during the last few years, and

Whereas, the Department of Highways now has thousands of men employed and has a large number of trucks and automobiles daily upon the Highways and as a result of the

number of employees and trucks, automobiles and other equipment there is a large number of accidents involving the Department of Highways and as a result of said accidents persons and property are injured and destroyed and claims are made against the Department of Highways for adjustment of said claims, and

Whereas, the General Assembly long after said accidents have occurred pass resolutions permitting suits to be filed against the Department of Highways, and

Whereas, at the time said resolutions are passed and suits are filed the witness on behalf of the Commonwealth have forgotten the accidents and have often moved out of the community and it is impossible for the Department of Highways to present a defense to said actions whereas if they could make an investigation immediately after the time of the accident many thousands of dollars could be saved by the Department of Highways in the defense of said actions which are filed against the said department by reason of the resolutions herein referred to, and

Whereas, it is now impossible for the Attorney General's office with its present number of assistants to make such investigations and prepare the cases in advance of the passage of the resolutions and to preserve the testimony of witnesses that are important and necessary in the proper defense of said action, an emergency is declared to exist and this bill shall become a law when properly passed by the General Assembly and signed by the Governor.

Senator J. Lee Moore moved the Previous Question.

Whereupon, the President pro tempore of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leo King	Ira W. See
Aubrey Barbour	J. W. McDonald	Jos. P. Tackett
Edwin C. Dawson	Stanley B. Mayer	J. E. Trager
Lee Gibson	Strother Melton	Thomas O. Turner
John M. Hall	E. C. Moore	Otis White
J. Joseph Hettinger	J. Lee Moore	O. C. Whitfield
H. Watt Hillman	Ray B. Moss	B. M. Williams

—21

There voted in the negative—

Paul L. Sidebottom

—1

Resolved that the title thereof be as aforesaid—

Senator J. Lee Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Senator King moved that the Senate do now adjourn to meet again at 10 o'clock, A. M., Monday, February 28th, 1938.

Said motion was agreed to.

And then the Senate adjourned.

MONDAY, FEBRUARY 28, 1938

The Senate convened and was called to order by the Honorable Keen Johnson, Lieutenant Governor of the Commonwealth and President of the Senate.

The Senate was opened with prayer by the Reverend Walter Cropper, pastor of the Methodist Episcopal Church, South, Frankfort, Kentucky.

The roll of the Senate was called, and the following Senators answered to their names, viz:

Wm. R. Attkisson	J. Joseph Hettinger	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Wm. H. Jones, Jr.	Jos. P. Tackett
H. Stanley Blake	Leo King	J. E. Trager
Ollie J. Bowen	J. W. McDonald	Ervine Turner
Leer Buckley	Stanley B. Mayer	Thomas O. Turner
Dr. D. H. Bush	Strother Melton	E. T. Wesley
Waller A. Crockett	E. C. Moore	Otis White
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
W. C. Farmer	Dr. R. C. Moss	B. M. Williams
Lee Gibson	Ray B. Moss	J. E. Wise
Ralph Gilbert	James C. Rogers	
John M. Hall	Ira W. See	

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Senator Gilbert moved that the reading of the Journal of the proceedings of Saturday, February 26th, 1938, be dispensed with, and the same be approved.

Said motion was agreed to.

Senator Bowen moved that the rules be suspended and the privilege of the floor be extended to former Senator E. B. Miller and Messrs. C. E. Watts, Hegge and Gruggin.

Said motion was unanimously agreed to.

Senator Trager moved that the rules be suspended and the privilege of the floor be extended to Mr. W. D. Williams.

Said motion was unanimously agreed to.

Senator J. Lee Moore moved that the rules be suspended and the privilege of the floor be extended to Mr. and Mrs. J. W. Nelson and Mrs. Bradley and Mrs. Robey of Simpson County, Kentucky.

Said motion was unanimously agreed to.

Senator Wise moved that the rules be suspended and the privilege of the floor be extended to Mr. R. H. Duff of Elizabethtown, Kentucky, and the Honorable Robert Humphreys, Commissioner of Highways of the Commonwealth of Kentucky.

Said motion was unanimously agreed to.

Senator See moved that the rules be suspended and the privilege of the floor be extended to Mrs. R. W. Noel, Mrs. Lee Evans and Mrs. J. J. Johnson.

Senator Dawson moved that the rules be suspended and the privilege of the floor be extended to Mr. Martin Walker.

Said motion was unanimously agreed to.

Senator Tackett moved that the rules be suspended and the privilege of the floor be extended to Mr. Chandar Tackett.

Senator J. Lee Moore moved that the rules be suspended and the privilege of the floor be extended to Mr. and Mrs. George Duncan of Franklin, Kentucky.

Said motion was unanimously agreed to.

Senator Melton moved that the rules be suspended and the privilege of the floor be extended to Judge Barrett and Mr. Carol Morrow, County Attorney, Marshall County.

Said motion was unanimously agreed to.

Senator Mayer moved that the rules be suspended and the privilege of the floor be extended to Mr. Shackelford Miller, Mr. Charles Morros, Mr. Walter Huffaker, Mrs. Lennie McLaughlin, Mr. Ben Kilgore, Mr. Ben C. Niles, Mr. W. C. Dale.

Said motion was unanimously agreed to.

CALENDAR

At the instance of the Committee on Rules, the Senate took up for consideration from the Calendar bills of the following titles, viz:

H. B. 343. An Act to enable cities of the second class to purchase, establish, erect, acquire, maintain and operate Municipal Hospitals through the sale of Revenue Bonds, which bonds shall be payable solely through the revenue derived from the operation of such Municipal Hospital: and providing for the creation of a board to manage said Municipal Hospital.

H. B. 370. An Act to amend and re-enact Section 17, Chapter 155 of the Acts of the General Assembly of Kentucky enacted at its regular 1893 session, edited as Section 388, Kentucky Statutes, Carrol's 1936 Edition, relating to record books required by circuit and county court clerks.

H. B. 374. An Act prohibiting and making it unlawful for any person, firm, corporation, association, partnership, business trust, fiduciary or legal entity to publish or cause to

be published any figures or information known to be false or misleading concerning the total actual pounds of tobacco sold at any place at or during any period of time or concerning the total number of dollars received for tobacco sold at any place at or during any period of time or concerning the average price per pound received at any place for tobacco sold at or during any period and providing penalties for the performance of the prohibited acts.

H. B. 384. An Act amending and re-enacting Section 2739g-2d, Carroll's Kentucky Statutes, 1936 Edition, relating to registration fees for trucks.

H. B. 395. An Act repealing and re-enacting Section 2711a-190, Carroll's Kentucky Statutes, 1936 Revised Edition, relating to pay, medical treatment, and funeral expenses of National Guardsmen dying or disabled when on or as the result of duty as such.

H. B. 401. An Act to repeal, amend, and re-enact Section 24, Chapter 1, of the Acts of the Second Extraordinary Session of the 1936 General Assembly, being entitled: "An Act relating to revenue and taxation on the sale and distribution of alcoholic beverages, and declaring an emergency," said section now being codified as Section 4281c-24 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition, and declaring an emergency.

H. B. 422. An Act relating to revenue and taxation and providing for a license tax on theatres and providing for rates and classifications therefor.

H. B. 264. An Act to require certain safety practices in building and construction work; to protect the lives of and prevent injury to employees engaged thereon; providing for the enforcement and penalty for the violation of the provisions of this Act.

H. B. 269. An Act to repeal Section 3011 of Carroll's Kentucky Statutes, Baldwin's 1936 revision, relating to licenses of cities of the first class and declaring an emergency to exist.

H. B. 285. An Act providing for definition of terms used; providing for system of fixing prevailing rates of wages and establishing a legal work day and a legal work week on public works; providing the method of fixing prevailing rate of wages required in public works; contracts and of public authorities; providing the duty of contractors and public authorities to pay the prevailing rate of wages fixed; providing for enforcement, assistance and penalty for the violation of this Act.

H. B. 358. An Act providing for the levy of a tax by cities of the first class to provide a fund for Boards of Education in cities of the first class for the purchase of sites for school buildings, for the erection of school buildings and the complete equipping thereof and for the major alteration and enlargement of existing building and the complete equipping thereof.

H. B. 368. An Act to provide for the investigation and study of wages of women and minors employed in trade and industry in the state of Kentucky; for the determination and establishment of minimum fair wages for such workers; for the purpose of preventing unfair and oppressive exploitation of such workers, and providing penalties therefor; setting forth a declaration of public policy; defining certain terms; providing for administration thereof; appropriating money for the administration thereof; and setting up duties and powers therefor; providing for judicial review under certain circumstances; providing for maintenance of records and reports; providing for maintenance of records and reports; providing for penalties for violation and/or non-observance

thereof in whole or in part; providing for a separability clause; repealing conflicting laws and for other purposes, and providing for certain exemptions.

H. B. 380. An Act providing for the control of the Japanese beetle; imposing certain powers and duties of the agricultural experiment station; providing penalties, and declaring an emergency.

H. B. 388. An Act to amend and re-enact Section 165a-9 of Carroll's Kentucky Statutes, 1936 Edition, relating to fees for examination of banks.

H. B. 396. An Act authorizing cities of the first, second, third, fourth and fifth class, counties and other political subdivisions to aid housing projects of municipal housing commissions or of the United States of America by furnishing funds, parks, playgrounds, and other improvements and facilities, by exercising certain other powers and by making agreements relating to such aid, authorizing public officers, public bodies and fiduciaries to purchase and invest in bonds issued pursuant to the Municipal Housing Commission, Act and declaring an emergency to exist.

H. B. 397. An Act authorizing cities of the first, second, third, fourth and fifth class to adopt ordinances relating to the remedying and elimination of dwellings unfit for human habitation; providing for the remedies and procedure in connection with action taken under such ordinances and for other related purposes; and declaring an emergency to exist.

H. B. 417. An Act to promote the objects of the National Housing Act, as amended, by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions and trustees and other fiduciaries to make loans which are eligible for insurance under the

National Housing Act as amended, and by authorizing banks, saving banks, trust companies, insurance companies, building and loan associations, credit unions, trustees and other fiduciaries, the Commonwealth of Kentucky and any of its political subdivisions or any agency or instrumentality thereof, to invest in mortgages insured and in debentures issued by the Federal Housing Administrator and to invest in securities of National Mortgage Associations, and to use mortgages insured or debentures issued by the Federal Housing Administrator and debentures issued by National Mortgage Associations as collateral or deposit security where required by any statute of this state; and repealing Chapter 11 of the Acts of the General Assembly of 1936; and declaring an emergency.

H. B. 237. An Act to repeal Chapter 95, being Sections 3780 to 3786, both inclusive, of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, and enacting in lieu thereof an Act relating to county patrols or county police forces, the appointment, jurisdiction, organization, equipment, maintenance, operation thereof and concerning the rights, powers and duties of county and fiscal courts, which Act shall be designated as Sections 3380, 3881, and 3782 of the Kentucky Statutes.

H. B. 268. An Act relating to the exemption from taxation five hundred dollars on the real estate of any total disabled soldier, sailor, marine, or nurse and providing that sixty (62) shall constitute total disability.

H. B. 286. An Act to repeal, amend and re-enact Section 2850 of the Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 346. An Act to repeal, amend and re-enact Section 561 of Carroll's Kentucky Statutes, 1936 edition, relating to the manner of dissolution of corporations and providing the duties of the Secretary of State when application for dissolution has been filed in his office and further providing that

the Secretary of State shall not dissolve any corporation until he has received a certificate of approval from the Department of Revenue, which approval shall relate to the status of the tax liability of said corporation.

H. B. 427. An Act authorizing the Department of Revenue to require the use of crowns in collection of beer taxes; authorizing rules and regulations relating thereto; making provisions for avoiding double taxation; defining terms; providing for punishment of persons who violate the act or regulations pursuant thereto; and for other purposes.

H. B. 288. An Act to repeal, amend and re-enact Section 2852 of the Kentucky Statutes, Baldwin's 1936 Revision.

Senator Gilbert moved that the Constitutional provision as to the second reading at length of said bills be dispensed with, and same be read the second time by their titles only.

Said motion was agreed to by a majority of the members elected.

Whereupon, the Constitutional provision as to the second reading at length of said bills being dispensed with, said bills were read the second time by their titles only and

Ordered placed in the Calendar.

Senator Gilbert moved that the Senate do now recess, until 11 o'clock.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the Chair and called the Senate to order.

The hour of eleven o'clock having arrived, that being the hour heretofore set as the time for a hearing of the opponents and the proponents of a bill entitled, viz:

H. B. 385. An Act relating to primary and general elections and providing for a state-wide registration of voters in the Commonwealth of Kentucky, and providing the manner in which voters may register in each and every county of the state, and providing for the manner in which said voters may change their registrations as to party affiliations, and further providing the manner of purging the registration lists, and providing for a Statewide Registration and Purgation Board and creating a County Registration and Purgation Board and prescribing their duties in regard thereto, their term of office, and providing for salaries and expenses of said boards and employees, and repealing and re-enacting Section 1486bb-1, 1486bb-2, 1486bb-4 and 1486bb-13, and expressly repealing Sections 1486b-28 and 1486b-61, inclusive, being known as the Model Registration Act for cities of the first class, and providing that city of the first class shall come under the provisions of the Statewise General Registration Act, being Chapter 45 of the Acts of the General Assembly of 1936, and providing that voters who have heretofore registered in cities of the first class shall not be required to re-register, and providing that the registration lists and books now in the hands of any commission, board, or other person shall be transferred to the County Court Clerk's office of each and every county in the state, and when so transferred that all registration books and registration lists shall be purged as provided for under Chapter 45 of the Acts of the General Assembly of 1936 and under the direct supervision of the County Board of Registration and Purgation provided for in this Act, and repealing all laws in conflict herewith and declaring an emergency.

Senator Gilbert moved that the Senate do now resolve itself into a Committee of the Whole Senate for that purpose.

Said motion was agreed to.

Thereupon, the President of the Senate vacated the Chair which was occupied by Senator Edwin C. Dawson, President Pro Tem of the Senate, and Chairman of the Committee of the Whole Senate, who presided.

After a time, the President of the Senate resumed the Chair and presided and

Senator Edwin C. Dawson, resident Pro Tem of the Senate and Chairman of the Committee of the Whole Senate, which had had under consideration a bill entitled, viz.:

H. B. 385. (For title see Journal of today, ante.)

Reported progress.

Senator Gilbert moved that the Senate do now recess for ten minutes.

Said motion was agreed to.

And then the Senate recessed.

The appointed hour having arrived, the President of the Senate resumed the Chair and called the Senate to order.

Senator Ervine Turner moved that the rules be suspended and the privilege of the floor be extended to Mr. Charles Landon, County Attorney of Campton, Kentucky.

Said motion was unanimously agreed to.

Senator Tackett moved that the rules be suspended and the privilege of the floor be extended to Mr. John M. Moore of Lexington, Kentucky, and Messrs. Baker and Raney.

Said motion was unanimously agreed to.

Senator Sidebottom moved that the rules be suspended and the privilege of the floor be extended to Mr. and Mrs. Lester Mullins and former Representative Charles Marshall and Mrs. Marshall of Owenton, Kentucky, and Mr. George Val-
landingham.

Said motion was unanimously agreed to.

Senator Barbour moved that the rules be suspended and the privilege of the floor be extended to Mr. Daniel W. Davies of Campbell County, Kentucky.

Said motion was unanimously agreed to.

Senator Trager moved that the rules be suspended and the privilege of the floor be extended to Mrs. E. Casey of Louisville, Kentucky.

Said motion was unanimously agreed to.

Senator Crockett moved that the rules be suspended and the privilege of the floor be extended to Mr. James Cullen of Maysville, Kentucky.

Said motion was unanimously agreed to.

Senator Buckley moved that the rules be suspended and the privilege of the floor be extended to Dr. A. W. Fortune of Lexington, Kentucky.

Said motion was unanimously agreed to.

ORDERS OF THE DAY

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 385. (For title see Journal of today, ante.)

With committee amendment thereto by way of substitute therefor.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky.

§ 1. That Sections 1486b-28 to 1486b-61, inclusive, be and the same are hereby repealed, said sections being Chapter 48 of the Acts of the General Assembly of 1930.

§ 2. That Section 1486bb-1 be repealed, amended and re-enacted, so that when amended and re-enacted said section shall read as follows:

This act may be cited and referred to as the "General Registration Act". The term "initial registration" shall refer to the general initial registration to be held in each precinct as provided in this act or a registration of voters in any county or city under any other registration law when said registration books or lists have been turned over to the County Registration Board as may be hereinafter provided for, and the voters in said city so registered shall not be required to again re-register, but their previous registration shall be termed, so far as this act is concerned, as an initial registration.

Any word importing the masculine gender herein shall extend to and be deemed to include women as well as men.

§ 3. That Section 1486bb-2 be repealed, amended and re-enacted, so when amended and re-enacted said section shall read as follows:

Every citizen of the United States not otherwise disqualified by the laws of this Commonwealth, who is twenty-one years of age or who will become twenty-one years of age on or before the next regular election to be held in November of any year, or on or before the date of any special election, and who will have been a resident of the State of Kentucky one year, and of the county six months, and of the precinct for sixty days next preceding such election, and who is a registered voter and is otherwise qualified shall be entitled to vote for all officers elective by the people, and on all measures or questions submitted for determination by the voters at any regular or special election; provided, however, that only persons who are duly and properly registered as hereinafter provided or as is now provided by law shall be permitted to vote at any primary election or any general or special election held hereafter.

§ 4. That Section 1486bb-4 be and the same is hereby repealed, amended and re-enacted, so when amended and re-enacted said section shall read as follows:

Any person possessing the qualifications for registration as a legal voter as set out herein, or as may be otherwise provided in the General Registration Act, Chapter 45, 1936 General Assembly, who has failed to heretofore register, may appear before the County Court Clerk of the county of the residence of such voter between the 15th day of August and the 10th day of October, and between the 15th day of November and the 15th day of June of any year (Sundays and legal holidays excepted), at any hour of the day the office of the County Court Clerk may be open for business. Any voter who wishes to change his party affiliation may appear before the Clerk between said dates of any year and upon his request the Clerk shall make said change on the registration books.

§ 5. That Section 1486bb-13 be and the same is hereby repealed, amended and re-enacted, so that when re-enacted said section shall read as follows:

When the County Executive Committee of any political

party having representation on the State Board of Election Commissioners shall make application to the County Registration and Purgation Board, provided said application is made after the 10th day of October and before the 20th day of October in any year preceding a general election, the County Board of Registration and Purgation as herein provided for shall appoint two purgation officers for any and all precincts wherein the committee has named any voter whose name should be purged from the list of registered voters, and it shall be the duty of the said officers to purge the registration list in any or all precincts named in said application, and the officers so appointed by the Purgation Board as purgation officers need not reside in such precincts so purged. The County Executive Committee of either of such parties desiring to purge the registration list in any precinct shall file a written request with the County Board of Registration and Purgation of the county as herein provided between the 10th day of October and the 20th day of October for general elections only. Such request shall contain the names and addresses of each voter appearing upon the registration list that is to be challenged or removed from said list and the grounds upon which said challenge is founded and the reasons why said names should be stricken from the registration list of voters. Whenever any candidate or a group of candidates in any primary election desire to purge the registration list of any name or registered voter in any precinct, said candidate or group of candidates shall file with the County Board of Registration and Purgation as herein provided for a written request between the 15th day of June and the 20th day of July, setting out in said request the name and address of each voter whose right to vote in said primary is challenged and the grounds and reasons upon which the said voter is challenged and the reason for striking his name from the list of registration of voters in said precinct. It shall be the duty of the County Board of Registration and Purgation within three days after the receipt of such written request

as above provided for to appoint two purgation officers, and if the purgation is for a general election the purgation officers so appointed shall be from each of the political parties having representation on the State Board of Election Commissioners, these appointments to be made from a list of names submitted to the said Board of Registration and Purgation by the County Executive Committee of each of such political parties. If the request be from a candidate or a group of candidates in a primary election, the Board of Registration and Purgation shall appoint the two purgation officers as herein provided for from the citizens and voters of the county without regard to their political affiliations. The list of challenged voters in either a general or primary election shall be turned over to the two purgation officers as herein provided, who shall be sworn faithfully to discharge their duties as such, and they shall meet in the precinct for which they are to act at some place designated and provided by the sheriff of said county. Said purgation officers shall have the power to summons and swear witnesses and shall conduct a hearing in the precinct at such times as they may fix. Each voter who has been challenged shall, unless upon investigation the purgation officers shall agree that the challenge is unfounded and the voter lawfully registered, be notified of the time and place of the meeting at which the challenge against him shall be heard, such notice to be in writing and served upon the challenged voter either by delivering or offering to deliver a copy of said notice to him in person, or, if said voter can not be found at his place of residence shown on his registration record, by leaving a copy thereof with any person over the age of sixteen residing in the same family with said voter, or, if no such person be there, by affixing a copy of said notice to the front door of such place or residence. The person who serves such notice shall return a copy thereof to the purgation officers, with an endorsement thereon stating when and how it was served, and if a copy was not delivered to the person to whom it was directed, the endorsement must state

the facts authorizing the manner of service adopted, if the person serving the notice be an officer, his endorsement must show his official position; if he be not an officer, he must make an affidavit that his endorsement is true, that he is over sixteen years of age, and that he is not a party to nor interested in the proceeding. Such endorsement of an officer, or such endorsement and affidavit of one who is not an officer, shall be proof of service.

After investigation and hearing such evidence as may be presented, the purgation officers shall determine whether the voter is properly and legally registered; such hearing shall be conducted in a summary manner and the officers, in their discretion, may reasonably limit the number of witnesses testifying for either party. If the purgation officers find that the challenged voter is not properly and legally registered, his registration shall thereupon be canceled by them. The failure of any voter against whom a notice of challenge has been served as provided herein to appear at such hearing shall be prima facie evidence that he is not entitled to registration, and his registration record shall be cancelled. Appeals from the action of the purgation officers may be taken in the manner hereinafter provided. If they find that he is legally and properly registered, nothing further shall be done with his name. The County Court Clerk shall turn the "copy" registration record of the precinct over to such purgation officers when they are to hold their meetings, taking their receipt therefor, and upon the conclusion of their meetings, the purgation officers shall return such registration record to the County Court Clerk and take his receipt therefor. In the event the purgation officers disagree as to whether the registration of any person should be cancelled, they or either of them shall reduce to writing the facts as developed and certify such statement of facts to the County Board of Registration and Purgation, and the said Board shall at once hear the case of such challenged voter and summarily decide the question, and shall reduce their decision to writing, and the decision shall

be signed by the chairman of the Board, attested by the secretary of the Board, and the written decision shall then be delivered to the County Court Clerk. The County Court Clerk upon receipt of such decision from the Registration and Purgation Board shall immediately issue a notice to the challenged voter showing the action of the Registration and Purgation Board in his case, and if the County Board of Registration and Purgation shall decide against the voter the County Clerk shall at once remove his name from the registration list or registration books and the voter shall not be entitled to vote until such time as he may be properly and legally registered. If, however, the County Board of Registration and Purgation should find that the voter is legally and properly registered, the County Court Clerk shall leave his name in the list of registration or registration book and nothing further shall be necessary to permit the said voter to cast his vote in any election unless he shall be thereafter challenged. The notice to the voter that his registration has been challenged as provided for herein may be served by the persons named herein and, in addition thereto, if the Board deems it necessary, the Board may employ other persons who possess the qualifications of a legal voter to assist in the serving of said notices, and for their services they may be paid as will be hereinafter provided.

§ 6. There is hereby created a State Board of Registration and Purgation which shall be composed of three members selected and appointed by the Governor of the Commonwealth of Kentucky. The members of said Board shall be persons who are not less than twenty-one years of age and possess all of the necessary qualifications as legal voters. The Governor shall select and appoint as members of said Board one from each of the two dominant political parties now having representation upon the State Board of Election Commissioners, and the other member of said Board shall be some outstanding citizen of the Commonwealth of Kentucky selected as the Governor may deem best and advisable. The

members when selected and appointed by the Governor of the Commonwealth of Kentucky, as above provided, shall select one of their members as chairman of said Board, who shall preside over the meetings of said Board, and one member shall be selected as secretary, whose duty it shall be to record all of the proceedings of said Board when in session. The members of said Board when so selected and appointed by the Governor shall be issued commissions by the said Governor and shall take an oath of office and execute a bond for the faithful performance of their duties as herein set out in the sum of \$1,000.00.

It shall be the duty of the State Board of Registration and Purgation to supervise the registration and purgation under the General Registration Act, being Chapter 45 of the Acts of the General Assembly of 1936, and to see that each county in the Commonwealth of Kentucky has complied with the provisions of said General Registration Act and has necessary registration equipment, and to adopt such rules and regulations as may be necessary to carry out the provisions of the said General Registration Act. It shall further be the duty of the said Board of Registration and Purgation to appoint a County Board of Registration and Purgation for each of the counties in the Commonwealth of Kentucky. The said State Board of Registration and Purgation shall appoint for each county in the Commonwealth of Kentucky a County Board of Registration and Purgation, consisting of three members, said board to be known as the County Board of Registration and Purgation. One member of said Board shall be selected from each of the two dominant political parties in said county who now have representation upon the State Board of Election Commission. The other member of said Board shall be an outstanding citizen of the said county. All of said members of said County Board of Registration and Purgation shall be at least twenty-one years of age and shall be legally registered and qualified voters of the county in which they shall be appointed. The said State Board of

Registration and Purgation as herein provided for shall meet at any time and at any place that they may deem it necessary to carry out the provisions of this act and to perform the duties imposed upon them herein; provided, however, that they shall not be in session more than 100 days in any calendar year. Said Board shall maintain an office at the state capitol in the City of Frankfort.

Said Board is hereby empowered to purchase necessary supplies as may be required and to employ a clerk at a salary not to exceed \$1800.00 per annum, whose duty it shall be to keep the office of said State Board of Registration and Purgation open at all reasonable times, and any person who has a complaint to lodge with the said State Board of Registration and Purgation may deliver same to said clerk, and it shall be the duty of the clerk to immediately notify the Board of said complaint and the said Board shall consider same at its next meeting.

Any person filing a claim or an objection to a rule, regulation or decision of the State Board of Registration and Purgation, and the Board having passed upon said claim or rendered a decision or ruling adversely to their contention or affecting their rights under any provision of the General Registration Act, Chapter 45 of the Acts of the General Assembly of 1936, may bring an action against the Board or any member thereof in the Franklin Circuit Court.

The members of the State Board of Registration and Purgation as herein provided for shall be paid, as compensation for their services rendered in carrying out the duties herein imposed upon them, the sum of \$10.00 per day for each day they are actually in session and their necessary expenses connected therewith out of the general fund, and there is hereby appropriated the necessary amount to pay their compensation and expenses; provided, however, they shall not be paid for more than 100 days in any one calendar year.

The members of the State Board of Registration and Purgation, as provided for herein, shall be selected and ap-

pointed by the Governor immediately after this act shall become effective, and those so appointed in the year 1938 shall be appointed for a term expiring the 31st day of December, 1939, and the Governor of the Commonwealth of Kentucky on January 1st, 1940, shall appoint the members of the said State Board of Registration and Purgation for a period of four years, and their successors shall be appointed every four years thereafter; provided, however, that any member of the State Board of Registration and Purgation may be removed at any time during his term of office for any cause at the will of the Governor.

The members of the County Board of Registration and Purgation to be appointed by the State Board of Registration and Purgation, as provided for herein, shall be appointed immediately after the State Board has been selected, appointed and qualified, as provided for herein, and the members of the County Board of Registration and Purgation so appointed, as provided for herein, in the year 1938 shall be appointed for a term expiring December 31st, 1939, and on January 1st, 1940, and every four years thereafter the State Board of Registration and Purgation shall appoint a County Board of Registration and Purgation in the manner and form as provided for herein; provided, however, that the State Board of Registration and Purgation may remove any member of the County Board of Registration and Purgation for any cause in the discretion of the State Board of Registration and Purgation.

§ 7. The County Board of Registration and Purgation, as provided for herein, when appointed by the State Board of Registration and Purgation, shall receive a certificate of appointment signed by the chairman and attested by the secretary of the said State Board of Registration and Purgation, and the members so appointed shall present their certificate of appointment to the County Court Clerk of the county of their appointment, and the said County Court Clerk shall administer the oath of office to the said member and the said

member shall immediately execute a bond in the sum of \$1000.00 for the faithful performance of his duties as a member of the Registration and Purgation Board of said county. The members of the County Board of Registration and Purgation when so appointed and qualified shall meet and select one of their members as chairman of said Board and one of their members as secretary of said Board, and the chairman so selected shall preside over all meetings of the said Board and the secretary so selected shall record all of the proceedings of said Board. The said County Board of Registration and Purgation shall hold all of its meetings at the court house in the county of their appointment, unless it is necessary that they hold meetings at some other point or place within the county, but no meeting shall be held at any other point or place in the county unless the parties affected by said meeting shall receive a notice in writing showing the time and place of said meeting.

It shall be the duty of the County Board of Registration and Purgation to administer the registration and purgation of registration lists of voters as provided for in Chapter 45 of the Acts of the General Assembly of 1936, known as the General Registration Act, and said County Board of Registration and Purgation shall adopt such reasonable rules and regulations as may be necessary for the proper conduct of its office and the discharge of the duties imposed upon said Board by the Act of the General Assembly of 1936, Chapter 45, and as further provided for herein; provided, however, that no rule or regulation may be adopted by any County Board of Registration and Purgation until it shall have been submitted in writing to the State Board of Registration and Purgation and approved by the State Board of Registration and Purgation. It shall be the duty of the County Board of Registration and Purgation, in addition to the other duties provided for herein and as elsewhere provided for by law, to examine the registration lists and registration books in the County Court Clerk's office as often as they may deem advisable, and it

shall be their express duty to examine the registration books after the closing date and before any general, primary or special election, for the purpose of removing from said registration lists or registration books the names of persons who have, since the date of their registration, died, moved or otherwise become disqualified, and if the County Board of Registration and Purgation shall find that there are names upon the registration lists or registration books who have died, moved or otherwise become disqualified to participate in any general, primary or special election, they shall prepare a list of such names and from said list the Board shall challenge the right of any person whose name so appears upon the registration lists or books and shall submit the name of the person so challenged to the purgation officers appointed to purge the precinct in which said voter is registered. The County Board of Registration and Purgation shall notify the person whose right to vote has been challenged as is otherwise provided for by law and as is provided for in this act.

The County Board of Registration and Purgation, as provided for herein, shall be paid as compensation for their services the sum of \$10.00 per day for each day they are in actual session, and the compensation herein provided for shall be paid by the fiscal courts of the said counties when the number of meetings and the amount due each member of said Board has been certified to the fiscal court by the chairman and secretary of said Board; provided, however, that no County Board of Registration and Purgation shall be compensated for a longer period than 30 days in any calendar year, except counties having a city of the first or second class therein. In counties which do not have a city of the first or second class, the County Board of Registration and Purgation shall meet not exceeding 10 days before any primary and not exceeding 10 days before any general election and 10 days before any special election. In counties having cities of the first or second class, the County Board of Registration and Purgation may meet in session for a period of 30 days prior

to any primary, 30 days prior to any special election, or 30 days prior to any general election.

The County Board of Registration and Purgation, as provided for under this act, shall employ such clerical, stenographic and other help as they may deem necessary and purchase such supplies as may be necessary to properly perform the duties imposed upon them in this act, and such help so employed and supplies purchased shall be paid by the fiscal court of the county when the cost of such help has been certified to the court by the chairman and secretary of said County Board of Registration and Purgation; provided, however, that no bill for clerical, stenographic or other help shall be allowed and paid by the fiscal court of the county unless accompanied by an affidavit from the chairman of the county Board of Registration and Purgation that the employment of such clerical, stenographic and other help was necessary in the discharge of the Board's duty, and that the amount charged for said services was in his opinion reasonable; and provided further, that the County Board of Registration and Purgation shall employ the purgation officers, as provided for in this Act, and the said purgation officers shall receive compensation not to exceed five dollars (\$5.00) per day for each day actually engaged as such officers in purging the registration lists, as provided for in this act, payable by the fiscal court of the county in which they are appointed, and the fiscal court shall pay their salary when certified to the said fiscal court by the chairman of the County Board of Registration and Purgation as provided for in this act for other help employed by the said County Board of Registration and Purgation.

§ 8. All registration books or registration lists and other equipment used in the registration of voters now in the hands of any registration commission or board, or other officers of the Commonwealth of Kentucky, shall immediately after the effective date of this act be delivered to the County Court Clerk of the county in which said commission, board

or other person has registered any voters of said county, and the County Court Clerk of said county shall immediately set up said registration lists, books or other registration records as a part of the general registration of voters as provided for in the General Registration Act, being Chapter 45 of the Acts of the General Assembly, 1936 session.

§ 9. It is hereby declared to be the legislative intent that each and every paragraph and section of this act shall be separate and that the Legislature would have enacted each and every paragraph and section separately, and, in the event it should be adjudged by any court that any paragraph or section thereof should be unconstitutional or void, it shall in no wise affect such paragraph, section or part thereof which was not attacked or may be adjudged constitutional, and all remaining sections shall be enforced as if they had been enacted separately.

§ 10. All laws in conflict herewith are hereby expressly repealed.

§ 11. Whereas the General Assembly at its 1936 session passed Chapter 45, known as the General Registration Act; and whereas a large number of persons registered under the provisions of said act who had no right to vote and a large number of those who registered under the provisions of that act have long since become disqualified as voters; and whereas there is now a number of special elections to be held in this Commonwealth of Kentucky and there is fast approaching a primary election, and in order to have a clean and honest election and only such voters as are entitled to vote should be permitted to vote; and whereas the purgation provisions of the Act of the General Assembly of 1936, being Chapter 45 of said Acts, did not provide a definite and certain manner for the purgation of said registration lists and books, and in order to have the said registration lists and books purged in time for the special and primary elections mentioned herein, an emergency is hereby declared and this act shall become

effective immediately after its passage and approval by the Governor of the Commonwealth of Kentucky.

Said committee amendment thereto by way of substitute therefor is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. This Act may be cited and referred to as the General Registration and Purgation Act.

The word "voter" whenever used in this Act shall include all names contained in any registration list whether said voter shall be an illegal or legal voter and regardless of whether said voter shall be man or woman.

§ 2. *State Board of Registration and Purgation.* There is hereby created a State Board of Registration and Purgation which Board shall be composed of three members selected and appointed by the Governor of the Commonwealth of Kentucky. The members of said Board shall be persons who are not less than twenty-one years of age and possess all necessary qualifications as legal voters. The Governor shall select and appoint as members of said Board one member from each of the two dominant political parties now having representation upon the State Board of Election Commissioners, and the other member of said Board shall be some outstanding citizen of the Commonwealth of Kentucky selected by the Governor. The members of said Board when selected and appointed by the Governor of the Commonwealth of Kentucky as above provided shall select one of their members as chairman of said Board who shall preside over the meetings of said Board and one member shall also be selected as secretary of said Board whose duty it shall be to record all of the proceedings of said Board when in session. The members of said Board when so selected and appointed by the Governor shall be issued commissions by the Governor of the Commonwealth of Kentucky and shall take an oath of office to

faithfully discharge the duties imposed upon them by this Act and by other laws of this State, and shall execute bond for the faithful performance of their duties as herein set out, and as otherwise provided by law, in the penal sum of one thousand dollars.

§ 3. *Duties of the Board.* It shall be the duty of the Board of Registration and Purgation to supervise the registration and purgation under the general registration act, being Chapter 45 of the Acts of the General Assembly of 1936, and to perform such other duties as are herein imposed upon the said Board in regard to the registration and purgation of the registration lists in cities of the first class under the Model Registration Act for cities of the first class, being Chapter 48 of the Acts of the General Assembly of 1930 and codified as sections 1486b-28 to 1486b-61, Carroll's Kentucky Statutes, 1936 Edition, and to see that each county in the Commonwealth of Kentucky and each city of the first class has complied with the provisions of the General Registration Act and the Model Registration Act and to ascertain if the registration boards and the County Court Clerks as provided for in each of the said above registration acts have all the necessary registration equipment to properly register the voters in each of the counties of this State and in the cities of the first class in this State, and the said State Board of Registration and Purgation is hereby empowered to adopt such rules and regulations as may be necessary to properly carry out the provisions of the said General Registration Act and the Model Registration Act and it shall further be the duty of the said Board of Registration and Purgation to appoint a County Board of Registration and Purgation for each of the counties of the Commonwealth of Kentucky whose duties are hereafter set out.

§ 4. *Purchase of Equipment and Employment of Necessary Help.* The said State Board of Registration and Purgation as herein provided for is empowered and authorized to purchase necessary supplies and equipment as may be requir-

ed and necessary to carry out the provisions of this Act and they are further empowered and authorized to employ a clerk at a salary not to exceed eighteen hundred dollars per annum, payable in monthly installments, and it shall be the duty of the clerk to keep the office of the State Board of Registration and Purgation open at all reasonable times and any person or political party who has any complaint to lodge with the said State Board of Registration and Purgation may do so by delivering said complaint in writing to the Clerk of said Board of Registration and Purgation and it shall be the duty of the clerk to immediately notify the chairman of said Board of the said complaint and the State Board shall consider and dispose of said complaint at its next meeting.

§ 5. *Suits and Appeals.* The State Board of Registration and Purgation as provided for herein may be sued in the Franklin Circuit Court and any decision rendered by the State Board of Registration and Purgation may be appealed to the Franklin Circuit Court in the manner now provided for appeals from quarterly courts to circuit courts and may be tried de novo.

§ 6. *Salary of Members of the Board.* The members of the State Board of Registration and Purgation as herein provided for shall be paid as compensation for their services rendered in carrying out the duties herein imposed upon them the sum of ten dollars per day for each day they are actually in session and their necessary expenses. The compensation and expenses provided for herein shall be paid out of the general fund when requisition therefor is signed by the chairman of said Board and approved by the Director of Finance, provided, however, the said Board shall not be paid for more than one hundred days in any calendar year.

§ 7. *Term of Office.* The members of the said State Board of Registration and Purgation shall be selected and appointed by the Governor immediately after this act shall become effective, and those so appointed in the year 1938 shall be appointed for a term expiring the 31st day of December,

1939, and the Governor of the Commonwealth of Kentucky, January 1, 1940, shall appoint the members of said Board of Registration and Purgation for a period of four years and their successors shall be appointed every four years thereafter, provided however that any member of the State Board of Registration and Purgation may be removed at any time during his term of office or for any cause at the will of the Governor.

§ 8. *Appropriation.* There is hereby appropriated out of the general fund a sufficient amount to pay for the supplies, clerk hire, compensation and expenses of the State Board of Registration and Purgation as herein provided for and the Auditor of Public Accounts shall draw his warrant upon the Treasurer of the Commonwealth of Kentucky when the requisition is made therefor as provided for by law.

§ 9. *County Board of Registration and Purgation.* There is hereby created a County Board of Registration and Purgation in each county of this Commonwealth. Said County Board of Registration and Purgation shall be appointed by the State Board of Registration and Purgation as provided for herein and shall be appointed immediately after the State Board has been appointed and qualified as herein provided, and the members of said County Board of Registration and Purgation appointed in the year 1938 shall be appointed for a term expiring December 31, 1939, and on January 1, 1940, and every four years thereafter, the State Board of Registration and Purgation shall appoint the County Board of Registration and Purgation for each of the counties of this Commonwealth in the same manner. The County Board of Registration and Purgation shall consist of three members, one of whom shall be chosen from each of the two dominant political parties now having representation upon the State Board of Election Commissioners and one other citizen of the county to be selected by the State Board of Registration and Purgation. Each of said members shall be at least twenty-one years of age and shall reside in the county of his appointment and

shall possess all of the qualifications of a legal voter and the State Board of Registration and Purgation may remove any member of the County Board of Registration and Purgation for any cause in its discretion.

§ 10. *Duties of the County Board of Registration and Purgation.* The County Board of Registration and Purgation as provided for herein, when appointed by the State Board of Registration and Purgation, shall receive a certificate of appointment signed by the Chairman and attested by the secretary of said Board, and said certificate of appointment shall be presented by the members of the County Board of Registration and Purgation to the County Court Clerk of the County of their appointment and the said County Court Clerk shall administer the oath of office to said members and each of said members shall execute a bond in the sum of one thousand dollars for the faithful performance of his duty as member of the County Board of Registration and Purgation.

The members of the County Board of Registration and Purgation, when so appointed and qualified, shall meet and select one of their members as chairman of said Board and one of their members as secretary of said Board. The chairman of said Board shall preside over all meetings of said Board and the secretary shall record all of the proceedings of the Board. The County Board of Registration and Purgation shall hold all of its meetings at the Court House in the County of their appointment unless it is necessary that they hold meetings at some other point or place within the county, but no meeting shall be held at any other point or place in the county unless the persons affected by said meeting shall receive a notice in writing showing the time and place of said meeting.

It shall be the duty of the County Board of Registration and Purgation to administer the registration and purgation of registration lists of voters as provided for in Chapter 45 of the Acts of the General Assembly of 1936, known as the

General Registration Act and the County Board of Registration and Purgation may adopt such reasonable rules and regulations as may be necessary for the proper conduct of their office and in the discharge of the duties imposed upon them by this Act or as may be contained in the Act of the General Assembly of 1936, Chapter 45, known as the General Registration Act, provided however, that no rule or regulation may be adopted by the County Board of Registration and Purgation until it has been submitted in writing to the State Board of Registration and Purgation and approved by the said State Board.

It shall further be the duty of the County Board of Registration and Purgation to examine the registration lists and registration books in the County Court Clerk's office as often as they may deem advisable and it shall be their express duty to examine the registration books after the closing date of the said books for registration and before any general, special or primary election, for the purpose of removing from said registration lists or books the names of persons who have since the date of their registration, died, moved or otherwise become disqualified to vote and if the said County Board of Registration and Purgation shall, upon investigation, have reasonable grounds to believe that there are names upon the registration lists or purgation books when the persons bearing such names have died, moved or otherwise become disqualified to participate in any special, general, or primary election, said Board shall prepare a list of such names, but no name of any voter shall be stricken or purged from the registration lists or registration books by the County Board of Registration and Purgation until the Board has given the voter who is challenged an opportunity to be heard. When the Board has challenged the registration of any voter, it shall immediately notify the voter in writing at his place of residence shown upon the registration list that his right to vote in any general, special or primary election has been challenged and that his or her name must be stricken from the registra-

tion list unless the voter shall appear before the said Board and shown cause within five days why his or her name should not be stricken from the registration lists, and if said voter shall appear and desire to be heard upon the said challenge, the said Board shall immediately hear and determine whether or not the name of the voter should remain upon the registration lists or upon the registration books. If the Board should determine that the voter is properly and legally registered, his or her name shall remain upon the said registration lists or upon the registration books. If after a hearing the said Board determines that the name of said voter is illegally or improperly upon the registration lists or registration books, it shall enter an order directing the County Court Clerk to strike the name of the voter from said registration lists. If, after the service of service of notice upon the voter, he or she fails to appear before the Board as herein provided, and contest the challenge, it shall be prima facie evidence that his or her name illegally or improperly appears upon the registration lists and the Board without further hearing shall strike his or her name from the registration lists. The notice provided for herein may be served by any officer who may be authorized to serve process from any Court as now is provided by law or may be served by special process servers selected by the Board in the manner herein provided.

§ 11. *Compensation of County Board.* Each member of the County Board of Registration and Purgation as provided for herein shall be paid as compensation for his service the sum of ten dollars per day, except in counties having cities of the first class, for each day they are in session and the compensation provided for herein shall be paid by the Fiscal Courts of the counties when the number of meetings and the amount due each member of said Board has been certified to the Fiscal Court by the chairman and secretary of said Board, provided, however, that no County Board of Registration and Purgation shall be compensated for a longer period than thirty days in any calendar year, except in counties having

cities of the first class. In the counties which do not have a city of the first class, the County Board of Registration and Purgation shall meet not exceeding fifteen days before any primary and not exceeding fifteen days before any general election. In counties having a city of the first class, the County Board of Registration and Purgation may meet at any time they may deem necessary to perform the duties herein imposed upon them, but they shall remain in session for the purpose of hearing challenges continuously from the date that the registration books shall be closed before any primary or general election and for their service they shall be paid the sum of twelve hundred dollars each per annum to be paid by the Fiscal Court of the county of their appointment, in monthly installments.

The County Board of Registration and Purgation as provided for under this Act may employ such clerical, stenographic and other help as they may deem necessary to carry out the provisions of this Act and may purchase such supplies and equipment as they may deem necessary and such clerical help so employed and supplies and equipment so purchased by the said county Board shall be paid for by the Fiscal Courts of the county when the cost of such help, supplies and equipment has been certified to the Fiscal Court of the county by the chairman and secretary of said Board, provided, however, that no bill for clerical, stenographic or other help or for the purchase of supplies and equipment shall be allowed and paid by the Fiscal Court of any county, unless accompanied by an affidavit from the chairman of the County Board of Registration and Purgation that such employment of such clerical, stenographic and other help and the purchase of such supplies and equipment was necessary in the discharge of the duties of the Board and that the amount allowed or expended for such help, supplies and equipment was, in his opinion, reasonable, and it is further provided that the County Board of Registration and Purgation shall employ the purgation officers provided for herein and said purgation officers shall

receive compensation not to exceed five dollars per day for each day actually engaged as such officers in purging the registration lists as provided for in this Act. The compensation of said purgation officers shall be paid by the Fiscal Courts of the county of their appointment and the Fiscal Court shall pay their salary when certified to said Fiscal Court by the chairman of the County Board of Registration and Purgation as provided for in this Act for other help employed by such Board, and further provided that the process servers of the notices as provided for herein may be employed by the County Board of Registration and Purgation and for the service of said notices the process officer so employed shall be paid the same fees as now provided by law for the payment to officers for the service of notices, and the fees of said process officers, or any other officer serving said notices, shall be paid by the Fiscal Courts of the county when the amount due such officer or process server shall have been certified to the Fiscal Court of said county by the chairman of the Board as is provided for in this Act for the payment of other expenses of said Board.

§ 12. *Purgation of Registration Lists in Cities of First Class in Primary Elections.* In counties having cities of first class, the purgation of the registration lists in said cities in addition to the purgation now provided for by law, shall be conducted in the following manner:

It shall be the duty of the County Board of Registration and Purgation to cause a purging and correcting of the registration lists and records for party primaries upon the request in writing of the State Executive Committee of either of the two dominant political parties having representation upon the State Board of Election Commissioners, or upon the request in writing of any candidate for office in any primary and said purging and correcting of the records shall be conducted as follows:

It shall be the duty of said County Board of Registration and Purgation in connection with the Board of Registration

Commissioners of the city of the first class to cause to be made a house to house canvass in each precinct of said city in each year in such precincts requested as herein provided. Said canvass shall be made jointly by two investigators in each precinct. Said two investigators shall be appointed by the County Board of Registration and Purgation. One of such investigators shall be selected from each of the two dominant political parties having representation upon the State Board of Election Commissioners. Said investigators shall be appointed by the County Board of Registration and and Purgation ten days in advance of the date specified by the County Board of Registration and Purgation shall have the right in its discretion to remove any investigators and to appoint substitutes therefor. Said canvass shall be made during the first two weeks of the sixty-day period next preceding the date upon which the primary is to be held. The County Board of Registration and Purgation shall prepare and furnish each investigator with a list of names and addresses of the registered voters in the precinct in which he is to investigate, arranged in convenient order to facilitate investigation. The investigators appointed as herein provided for each precinct shall make a written report to the County Board of Registration and Purgation not later than the last day of the two-week period provided for herein to make said canvass, giving the names and addresses of all persons properly registered in said precinct who are legally entitled to vote in the primary election to be held in such year. When the reports of the investigators in any precinct agree that any person registered in said precinct is not legally entitled to vote at the election to be held in such year, the County Board of Registration and Purgation shall cause the Board of Registration Commissioners of the city of the first class to remove, transfer or cancel such registration as the case may be, so as to make said record correspond with the report made by said investigators and correct same to date of aid report, provided, however, that no such change shall be made until after notice shall have been

mailed to the person affected, said notice to be mailed by the Board of Registration Commissioners of the city of the first class to the address appearing upon the registration record on file in the office of the Board of Registration Commissioners in the said city of the first class, stating that it is the intention of the County Board of the Registration and Purgation and the Board of Registration Commissioners for the city of the first class to change, transfer or cancel his registration unless protest is filed within five days in the office of the Board of Registration Commissioners for the city of the first class, and in the event protest is filed, no such change shall be made until after the protestant has been given a reasonable opportunity to be heard at a joint hearing of the County Board of Registration and Purgation and the Board of Registration of said city of the first class, at which hearing the right of the protestant to vote shall be determined by the Board of Registration Commissioners of the City of the first class and the County Board of Registration and Purgation. In the event of a disagreement upon said question or any question connected therewith between the County Board of Registration and Purgation and the Board of Registration Commissioners for the city of the first class, the decision shall be rendered by the County Board of Registration and Purgation and the decision of said County Board of Registration and Purgation shall prevail. The investigators herein provided for shall be paid for their services as is now provided for the payment of other help employed under the Model Registration Law for cities of the first class, not to exceed, however, five dollars per investigator per precinct.

(a) Any citizen of a city of the first class shall have the right to challenge the registration of any voter registered as herein provided for. Such challenge shall be in writing, specifying the name and address of the challenged voter and the grounds of the challenge and shall be filed not later than five weeks prior to the primary election at the office of the Board of Registration Commissioners for the city of the first

class and the County Board of Registration and Purgation and the said Board of Registration Commissioners for the city of the first class shall conduct a joint hearing thereon at such time as they may fix after notice has been served as provided for by law and as provided for in this Act. The County Board of Registration and Purgation and the Board of Registration Commissioners for the city of the first class shall hold a hearing upon such challenges and shall decide the right of the challenged voter to vote in any primary, election to be held in said city and county and in the event of a disagreement between the County Board of Registration and Purgation and the Board of Registration Commissioners of the city of the first class, the decision of the County Board of Registration and Purgation shall prevail. The failure of any challenged voter against whom notice of challenge shall be served as is now provided for by law or as provided for herein, to appear, shall be prima facie evidence that he is not entitled to register or vote in any such primary election and his registration record shall be cancelled, transferred or suspended as the case may be.

§ 13. *Duty of Board of Registration Commissioners to Furnish County Board of Registration and Purgation Registration Records.* It shall be the duty of the Board of Registration Commissioners in cities of the first class to furnish forthwith to the County Board of Registration and Purgation one complete copy of its registration records and thereafter to give to said County Board of Registration and Purgation copies of its daily registration records at the same time that the said Board of Registration Commissioners for cities of the first class now furnishes copies to each of the city or county executive committees.

(a) It shall be the duty of each County Court Clerk of the Commonwealth of Kentucky to immediately prepare after the closing of the registration books as provided for by law and as provided for herein, a list of all registered voters in each precinct in said county in quadruplicate as shown by

the said Clerk's registration books and furnish one correct copy thereof to the County Board of Registration and Purgation without cost or fee to the said Board. After the County Board of Registration and Purgation has completed its purgation of said registration lists, said County Board shall notify the County Court Clerk of all names purged therefrom and he shall strike said names from the quadruple lists prepared by him and after said list has been corrected striking therefrom all names of voters purged from said list by the County Board of Registration and Purgation, such corrected list shall be the list furnished to the precinct election officers and other persons as now provided for by law.

§. 14. *Time for Closing Registration Books.* Any person possessing the qualifications for registration as a legal voter as now provided for by law may appear before the County Court Clerk of any county of his residence or before the Board of Registration Commissioners of any city of the first class in which the voter may reside and register, or change his party affiliation, as the case may be, provided, however, that said voter shall appear before the said Clerk or the Board of Registration Commissioners of any city of the first class at an hour of any day which the office of the County Court Clerk of any county or the office of the Board of Registration Commissioners of any city of the first class may be open for business and at such time register, or change his registration, or party affiliation, as the case may be, except, however, the County Court Clerk of any county in the State and the Board of Registration Commissioners of any City of the first class shall cause all registration books or lists to be closed fifty-nine (59) days prior to any primary or general election and no voter shall be registered or change, or be permitted to change, his registration during the period that said books shall remain closed. The County Court Clerk of each county of the Commonwealth of Kentucky and the Board of Registration Commissioners of any city of the first class in this Commonwealth shall not again re-open their

books for registration of voters or the re-registering or changing of party affiliation of said voters until ten (10) days after any primary or general election.

§ 15. Section 1486bb-13 be and the same is hereby repealed, amended and re-enacted so when re-enacted said section shall read as follows:

Whenever the County Executive Committee of any political party having representation on the State Board of Election Commissioners shall make application to the County Board of Registration and Purgation, provided said application is made between the fifth day of September and the fifteenth day of October in any year preceding a general election, the County Board of Registration and Purgation as herein provided for, shall appoint two purgation officers, one from each of the two dominant political parties having representation upon the State Board of Election Commissioners who shall be selected from a list of names submitted to said board by the County Executive Committee of each of such political parties, for any and all precincts, except precincts in cities of the first class, wherein the committee has named any voter whose name should be purged from the list of registered voters and it shall be the duty of said officers to purge the registration lists in any or all precincts named in said application, and the officers so appointed by the County Board of Registration and Purgation as such officers need not reside in such precinct so purged. The County Executive Committee of either of such parties desiring to purge the list of any precinct, other than precincts in cities of the first class, shall file a written request with the County Board of Registration and Purgation as herein provided. Such request shall contain the names of each voter appearing upon the registration lists who is to be challenged or removed from said list and the grounds upon which said challenge is founded and the reasons why said name should be stricken from the list of voters. Whenever any candidate or group of candidates in any primary election desires to purge the registration lists of any

name or registered voter in any precinct outside of cities of the first class, said candidate or group of candidates shall file with the County Board of Registration and Purgation as herein provided, a written request between the fifth day of June and the fifteenth day of July, setting out in said request the name and address of each voter whose right to vote in any primary election is challenged and the grounds and reasons for which said voter is challenged and the reason why his name should be stricken from the list of registration of voters in said precinct. It shall be the duty of the County Board of Registration and Purgation within three days after the receipt of such written request as above provided for to appoint purgation officers for said precincts in the same manner as provided for the appointment of purgation officers herein for said elections, except that the County Board of Registration and Purgation may appoint purgation officers in any primary election from the citizens and voters of the county without regard to their party affiliation.

The list of challenged voters in either the general or primary election shall be turned over to the two purgation officers as herein provided, who shall be sworn to faithfully discharge their duties as such and they shall meet in the precinct for which they are to act at some place designated and provided by the Sheriff of said county. Said purgation officers shall have the power to summons and swear witnesses and shall conduct a hearing in the precinct at such time as they may fix. Each voter who shall be challenged, unless upon the investigation the purgation officers shall agree that the challenge is unfounded and the voter lawfully registered, shall be notified of the time and place of the meeting at which the challenge against him shall be heard, such notice to be in writing and served upon the challenged voter either by delivering or offering to deliver a copy of said notice to him in person or if said voter cannot be found at his place of residence shown on the registration records, by leaving a copy thereof with any person over the age of sixteen residing in the same family

with said voter or if no such person be there, by affixing a copy of such notice to the front door of such place of residence. The person who serves such notice shall return a copy thereof to the purgation officers with an indorsement thereon stating when and how it was served and if a copy was not delivered to the person to whom it was directed, the indorsement must state the facts authorizing the method of service adopted, if the person serving the notice be an officer, his indorsement must show his official position; if he be not an officer, he must make an affidavit that his indorsement is true, that he is over sixteen years of age, and that he is not a party to nor interested in the proceeding. Such indorsement of an officer, or such indorsement and affidavit of one who is not an officer, shall be proof of service.

After investigation and hearing such evidence as may be presented, the purgation officers shall determine whether the voter is properly and legally registered; such hearing shall be conducted in a summary manner and the officers, in their discretion, may reasonably limit the number of witnesses testifying for either party. If the purgation officers find that the challenged voter is not properly and legally registered, his registration shall thereupon be cancelled by them. The failure of any voter against whom a notice of challenge has been served as provided herein to appear at such hearing shall be prima facie evidence that he is not entitled to registration, and his registration record shall be cancelled. Appeals from the action of the purgation officers may be taken in the manner hereinafter provided. If they find that he is legally and properly registered, nothing further shall be done with his name. The County Court Clerk shall turn the "copy" registration record of the precinct over to such purgation officers when they are to hold their meetings, taking their receipt therefor, and upon the conclusion of their meetings, the purgation officers shall return such registration record to the County Court Clerk and take his receipt therefor. In the event the purgation officers disagree as to whether the registration of any

person should be cancelled, they or either of them shall reduce to writing the facts as developed and certify such statement of facts to the County Board of Registration and Purgation, and the said Board shall at once hear the cause of such challenged voter and summarily decide the question, and shall reduce their decision to writing, and the decision shall be signed by the chairman of the Board, attested by the secretary of the Board, and the written decision shall then be delivered to the County Court Clerk. The County Court Clerk upon receipt of such decision from the Registration and Purgation Board shall immediately issue a notice to the challenged voter showing the action of the Registration and Purgation Board in his case, and if the County Board of Registration and Purgation Board shall decide against the voter the County Clerk shall at once remove his name from the registration lists or registration books and the voter shall not be entitled to vote until such time as he may be properly and legally registered. If, however, the County Board of Registration and Purgation should find that the voter is legally and properly registered, the County Court Clerk shall leave his name in the list of registration or registration book and nothing further shall be necessary to permit the said voter to cast his vote in any election unless he shall be thereafter challenged. The notice to the voter that his registration has been challenged as provided for herein may be served by the persons named herein and, in addition thereto, if the Board deems it necessary, the Board may employ other persons who possess the qualifications of a legal voter to assist in the serving of said notices, and for their services they may be paid as provided herein. Any voter whose right to vote has been challenged by the purgation officers or the Board of Registration and Purgation as provided for herein may appeal from such decision directly to the County Judge or to any Circuit Judge in the county, provided said appeal is perfected within the time provided for in this Act.

§ 16. *Time of Appeal.* Any voter whose right to vote

has been denied or whose name has been stricken from the registration lists or registration books by any purgation officer or officers as provided for herein or by the County Board of Registration and Purgation or by the Board of Registration Commissioners of any city of the first class, as provided for herein, or as otherwise provided for by law, shall perfect his appeal to the County Judge or to any Circuit Judge as is provided for herein or as may be now provided for by law five days prior to any primary, special or general election, and if the appeal be not perfected five days before any such primary, general or special election, no County Judge or Circuit Judge in this Commonwealth shall have jurisdiction to hear said appeal. Provided, further, that the decision of any such purgation officer or County Board of Registration and Purgation or Board of Registration Commissioners for any city of the first class affecting the right of any voter to vote in any primary, general or special election or removing, transferring, cancelling or suspending his registration, shall be rendered by such purgation officer or Board prior to eight days before any election.

§ 17. *Suspended Lists.* If the County Board of Registration and Purgation in any county in this Commonwealth or any Board of Registration Commissioners in any city of the first class shall find that there are names upon the registration lists or registration books who are properly and legally registered but further find that any of said voters are not entitled to vote in the next primary, general or special election, they shall not cancel said registration but shall cause the registration authorities to remove the registration cards or names of such voters from the registration lists or registration books so that said names shall not be sent to the precincts on election day for said coming election in which the said voters are not qualified to participate. The registration officers shall place said registration cards in some secure place to be held and indented as suspended lists of registered voters and the names of said voters shall not be replaced

in the registration lists or registration books by the registration officers until such time as voters may be eligible to vote and such voters will not be required to re-register.

§ 18. *Severance Clause.* It is hereby declared to be the legislative intent that each and every paragraph and section of this Act shall be severable and that the Legislature would have enacted each and every paragraph of same separately and in the event it should be adjudged that any paragraph or section hereof should be unconstitutional or void, said decision shall in no wise affect such paragraph, sections or parts hereof which were not attacked or adjudged unconstitutional, and all remaining sections shall be enforced as if they had been enacted separately.

§ 19. All laws in conflict herewith are hereby expressly repealed.

§ 20. *Emergency Clause.* Whereas, there are a large number of persons registered throughout the State under the present registration laws, and there are a large number of voters whose names appear in the registration lists who are not entitled to vote in any primary, general or special election, and whose names should be removed from the registration lists, and

WHEREAS, there is now fast approaching a primary election and in order to have an honest election and to provide means whereby any such voters as are entitled to vote will be permitted to vote, and

WHEREAS, it is necessary to create and provide an effective purgation of the registration lists throughout the entire State and in order to have said registration lists purged in time for the coming primary election or any special election that may be held in the State, an emergency is hereby declared to exist and this act shall become effective immediately after its passage and approval by the Governor.

At the instance of the Committee on Rules, and by unani-

mous consent, said committee amendment thereto by way of substitute therefor was withdrawn.

At the instance of the Committee on Rules, Senator Mayer offered a further amendment to said bill by way of substitute therefor, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. This Act may be cited and referred to as the General Registration and Purgation Act.

The word "voter" whenever used in this Act shall include all names contained in any registration list whether said voter shall be an illegal or legal voter and regardless of whether said voter shall be man or woman.

§ 2. *State Board of Registration and Purgation.* There is hereby created the State Board of Registration and Purgation which Board shall consist of three members who shall be the same members now or may hereafter compose the State Board of Election Commissioners. The members of said Board shall take an oath of office to faithfully discharge the duties imposed upon them by this Act and by other laws of this state and shall execute bond for the faithful performance of their duties as herein set out, and as otherwise provided by law, in the penal sum of one thousand dollars.

§ 3. *Duties of the Board.* It shall be the duty of the Board of Registration and Purgation to supervise the registration and purgation under the general registration act, being Chapter 45 of the Acts of the General Assembly of 1936, and to perform such other duties as are herein imposed upon the said Board in regard to the registration and purgation of the registration lists in cities of the first class under the Model Registration Act for cities of the first class, being Chapter 48 of the Acts of the General Assembly of 1930 and codified as sections 1486b-28 to 1486b-61, Carroll's Kentucky Statutes, 1936 Edition, and to see that each county in the Common-

wealth of Kentucky and each city of the first class has complied with the provisions of the General Registration Act and the Model Registration Act and to ascertain if the registration boards and the County Court Clerks as provided for in each of the said above registration acts have all the necessary registration equipment to properly register the voters in each of the counties of this State and in the cities of the first class in this State, and the said Board of Registration and Purgation is hereby empowered to adopt such rules and regulations as may be necessary to properly carry out the provisions of the said General Registration Act and the Model Registration Act and it shall further be the duty of the said Board of Registration and Purgation to appoint a County Board of Registration and Purgation for each of the counties of the Commonwealth of Kentucky whose duties are hereafter set out.

§ 4. *Purchase of Equipment and Employment of Necessary Help.* The said State Board of Registration and Purgation as herein provided for is empowered and authorized to purchase necessary supplies and equipment as may be required and necessary to carry out the provisions of this Act and they are further empowered and authorized to employ a clerk at a salary not to exceed eighteen hundred dollars per annum, payable in monthly installments, and it shall be the duty of the clerk to keep the office of the State Board of Registration and Purgation open at all reasonable times and any person or political party who has any complaint to lodge with the said State Board of Registration and Purgation may do so by delivering said complaint in writing to the Clerk of said Board of Registration and Purgation and it shall be the duty of the clerk to immediately notify the chairman of said Board of the said complaint and the State Board shall consider and dispose of said complaint at its next meeting.

§ 5. *Suits and Appeals.* The State Board of Registration and Purgation as provided for herein may be sued in the Franklin Circuit Court and any decision rendered by the State

Board of Registration and Purgation may be appealed to the Franklin Circuit Court in the manner now provided for appeals from quarterly courts to circuit courts and may be tried *de novo*.

§ 6. *Salaries of Members of the State Board of Registration and Purgation.* The members of the State Board of Registration and Purgation as herein provided for shall be paid for their services as provided for under this Act (in addition to the fees and expenses allowed them as members of the State Election Commission) the sum of five dollars per day while in session performing the duties imposed upon them under the provisions of this Act, provided that no member of the State Board of Registration and Purgation shall be paid more than one hundred dollars for his services in any year. The compensation provided for herein shall be paid out of the general fund when requisition therefor is signed by the chairman of the said Board and approved by the Director of Finance.

§ 7. *Term of Office.* The members of the State Board of Registration and Purgation who shall be the same members as now compose the State Board of Election Commissioners shall serve as members of the said board during the term of their office as members of the State Board of Election Commissioners and their successors as members of the State Board of Election Commissioners shall serve as members of the State Board of Registration and Purgation and shall serve for the same term as provided by law for the term of members of the State Board of Election Commissioners.

§ 8. *Appropriation.* There is hereby appropriated out of the genral fund a sufficient amount to pay for the supplies, clerk hire, compensation and expenses of the State Board of Registration and Purgation as herein provided for and the Auditor of Public Accounts shall draw his warrant upon the Treasurer of the Commonwealth of Kentucky when the requisition is made therefor as provided for by law.

§ 9. *County Board of Registration and Purgation.*

There is hereby created a County Board of Registration and Purgation of each County of the Commonwealth. Said County Board of Registration and Purgation shall be appointed by the State Board of Registration and Purgation as provided for herein. The members of said County Board of Registration and Purgation shall be appointed within twenty days after the effective date of this Act in the year 1938 and shall serve for a term expiring December 31, 1938, and on January 1, 1939, and every year thereafter the State Board of Registration and Purgation shall appoint the County Board of Registration and Purgation for each of the counties of the Commonwealth in the same manner. The County Board of Registration and Purgation shall consist of three members, one of whom shall be chosen from each of the two dominant political parties now having representation upon the State Board of Election Commissioners and one of whom shall be another citizen of the county to be selected by the State Board of Registration and Purgation. Each of said members shall be at least twenty-one years of age and shall reside in the county of his appointment and shall possess all of the qualifications of a legal voter, and the State Board of Registration and Purgation may remove any member of the County Board of Registration and Purgation for any cause in its discretion.

§ 10. *Duties of the County Board of Registration and Purgation.* The County Board of Registration and Purgation as provided for herein, when appointed by the State Board of Registration and Purgation, shall receive a certificate of appointment signed by the Chariman and attested by the secretary of said Board, and said certificate of appointment shall be presented by the members of the County Board of Registration and Purgation to the County Court Clerk of the County of their appointment and the said County Court Clerk shall administer the oath of office to said members and each of said members shall execute a bond in the sum of one thousand dollars for the faithful performance of his duty as member of the County Board of Registration and Purgation.

The members of the County Board of Registration and Purgation, when so appointed and qualified, shall meet and select one of their members as chairman of said Board and one of their members as secretary of said Board. The chairman of said Board shall preside over all meetings of said Board. The County Board of Registration and Purgation shall hold all of its meetings at the Court House in the County of their appointment unless it is necessary that they hold meetings at some other point or place within the county, but no meeting shall be held at any other point or place in the county unless the persons affected by said meeting shall receive a notice in writing showing the time and place of said meeting.

It shall be the duty of the County Board of Registration and Purgation to administer the registration and purgation of registration lists of voters as provided for in Chapter 45 of the Acts of the General Assembly of 1936, known as the General Registration Act and the County Board of Registration and Purgation may adopt such reasonable rules and regulations as may be necessary for the proper conduct of their office and in the discharge of the duties imposed upon them by this Act or as may be contained in the Act of the General Assembly of 1936, Chapter 45, known as the General Registration Act, provided however, that no rule or regulation may be adopted by the County Board of Registration and Purgation until it has been submitted in writing to the State Board of Registration and Purgation and approved by the said State Board.

It shall further be the duty of the County Board of Registration and Purgation to examine the registration lists and registration books in the County Court Clerk's office, and in the office of the Board of the Registration Commissioners of cities of the first class, as often as they may deem advisable and it shall be their express duty to examine the registration books after the closing date of the said books for registration and before any general, special or primary election, for the

purpose of removing from said registration lists or books the names of persons who have since the date of their registration, died, moved or otherwise become disqualified to vote and if the said County Board of Registration and Purgation shall, upon investigation, have reasonable grounds to believe that there are names upon the registration lists or purgation books when the persons bearing such names have died, moved or otherwise become disqualified to participate in any special, general, or primary election, said Board shall prepare a list of such names, but no name of any voter shall be stricken or purged from the registration lists or registration books by the County Board of Registration and Purgation until the Board has given the voter who is challenged an opportunity to be heard. When the Board has challenged the registration of any voter, it shall immediately notify the voter in writing at his place of residence shown upon the registration list that his right to vote in any general, special or primary election has been challenged and that his or her name must be stricken from the registration list unless the voter shall appear before the said Board and show cause within five days why his or her name should not be stricken from the registration lists, and if said voter shall appear and desire to be heard upon the said challenge, the said Board shall hear and determine whether or not the name of the voter should remain upon the registration lists or upon the registration books. If the Board should determine that the voter is properly and legally registered, his or her name shall remain upon the said registration lists or upon the registration books. If after a hearing the said Board determines that the name of said voter is illegally or improperly upon the registration lists or registration books, it shall enter an order directing the County Court Clerk to strike the name of the voter from said registration lists. If after the service of notice upon the voter, he or she fails to appear before the Board as herein provided, and contest the challenge, it shall be prima facie evidence that his or her name illegally or improperly appears upon the registration lists and

the Board without further hearing shall strike his or her name from the registration lists. The notice provided for herein may be served by any officer who may be authorized to serve process from any Court as is now provided by law or may be served by special process servers selected by the Board in the manner herein provided.

§ 11. *Compensation of County Board.* No member of the County Board of Registration and Purgation as provided for herein shall receive any compensation for his service except in counties containing cities of the first class. In the counties which do not have a city of the first class, the County Board of Registration and Purgation shall meet not exceeding fifteen days before any primary and not exceeding fifteen days before any General Election. In counties having a city of the first class the County Board of Registration and Purgation may meet at any time that may be necessary to perform the duties herein imposed upon them but they shall remain in session for the purpose of hearing challenges continuously from the date that the registration books shall be closed before any Primary or General Election and for their services they shall be paid the sum of Twelve Hundred (\$1,200.00) Dollars each per annum to be paid by the Fiscal Court of the county of their appointment in monthly installments.

The County Board of Registration and Purgation as provided for under this Act may employ such clerical, stenographic and other help as they may deem necessary to carry out the provisions of this Act and may purchase such supplies and equipment as they may deem necessary and such clerical help so employed and supplies and equipment so purchased by the said County Board shall be paid for by the Fiscal Court of the county when the costs of such help, supplies and equipment has been certified to the Fiscal Court of the county by the Chairman and Secretary of said Board. Provided, however, that no bill for clerical, stenographic or other help or for the purchase of supplies and equipment

shall be allowed and paid by the Fiscal Court of any county unless accompanied by an affidavit from the Chairman of the County Board of Registration and Purgation that such employment of such clerical, stenographic or other help and the purchase of such supplies and equipment was necessary in the discharge of the duties of the Board and that the amount allowed or expended for such help, supplies and equipment was in his opinion reasonable, and it is further provided that the County Board of Registration and Purgation shall employ the purgation officers provided for herein. Purgation officers shall serve without compensation except in counties having cities of the first class, in which counties said purgation officers shall receive compensation not to exceed (\$5.00) five dollars per purgation officer per day. The compensation of purgation officers for the county containing a city of the first class shall be paid by the Fiscal Court of the county of their appointment, and the amount due said purgation officers shall be certified to the Fiscal Court by the Chairman of the County Board of Registration and Purgation as provided for in this Act for other help employed by such Board.

And it is further provided that the process servers of notice as provided for herein may be employed by the County Board of Registration and Purgation for the service of said notices. The process officers so employed shall be paid the fees as now provided for by law for payment to officers for the service of notices and the fees of said process officers, or any other officers serving said notices, shall be paid by the Fiscal Courts of the county, when the amount due such officer or process servers shall have been certified to the Fiscal Court of said county by the Chairman of the Board as is provided for in this Act for the payment of other expenses of said Board.

§ 12. *Purgation of Registration Lists in Cities of First Class in Primary Elections.* In counties having cities of the first class, the purgation of the registration lists in said cities

in addition to the purgation now provided for by law, shall be conducted in the following manner :

It shall be the duty of the County Board of Registration and Purgation to cause a purging and correcting of the registration lists and records for party primaries upon the request in writing of the County Executive Committee of either of the two dominant political parties having representation upon the State Board of Election Commissioners, or upon the request in writing of any candidate for office in any primary and said purging and correcting of the records shall be conducted as follows :

It shall be the duty of said County Board of Registration and Purgation in connection with the Board of Registration Commissioners of the city of the first class to cause to be made a house to house canvass in each precinct of said city in each year in such precincts requested as herein provided. Said canvass shall be made jointly by two investigators in each precinct. Said two investigators shall be appointed by the County Board of Registration and Purgation. One of such investigators shall be selected from each of the two dominant political parties having representation upon the State Board of Election Commissioners. Said investigators shall be appointed by the County Board of Registration and Purgation ten days in advance of the date specified by the County Board for the commencement of the canvass in said precincts. The County Board of Registration and Purgation shall have the right in its discretion to remove any investigators and to appoint substitutes therefor. Said canvass shall be made during the first two weeks of the sixty-day period next preceding the date upon which the primary is to be held. The Board of Registration Commissioners shall prepare and furnish each investigator with a list of names and addresses of the registered voters in the precinct in which he is to investigate, arranged in convenient order to facilitate investigation. The investigators appointed as herein provided for each precinct shall make a written report to the Board of Registration Com-

missioners not later than the last day of the two-week period provided for herein to make said canvass, giving the names and addresses of all persons properly registered in said precinct who are legally entitled to vote in the primary election to be held in such year. When the reports of the investigators in any precinct agree that any person registered in said precinct is not legally entitled to vote at the election to be held in such year, the County Board of Registration and Purgation shall cause the Board of Registration Commissioners of the city of the first class to remove, transfer or cancel such registration as the case may be, so as to make said record correspond with the report made by said investigators and correct same to date of aid report, provided, however, that no such change shall be made until after notice shall have been mailed to the person affected, said notice to be mailed by the Board of Registration Commissioners of the city of the first class to the address appearing upon the registration record on file in the office of the Board of Registration Commissioners in the said city of the first class, stating that it is the intention of the County Board of the Registration and Purgation and the Board of Registration Commissioners for the city of the first class to change, transfer or cancel his registration unless protest is filed within five days in the office of the Board of Registration Commissioners for the city of the first class, and in the event protest is filed, no such change shall be made until after the protestant has been given a reasonable opportunity to be heard at a joint hearing of the County Board of Registration and Purgation and the Board of Registration of said city of the first class, at which hearing the right of the protestant to vote shall be determined by the Board of Registration Commissioners of the City of the first class and the County Board of Registration and Purgation. In the event of a disagreement upon said question or any question connected therewith between the County Board of Registration and Purgation and the Board of Registration Commissioners for the city of the first class, the decision shall be rendered by

the County Board of Registration and Purgation and the decision of said County Board of Registration and Purgation shall prevail. The investigators herein provided for shall be paid for their services by the Fiscal Court of the county of their appointment when the amount due is certified by the Chairman of the County Board of Registration and Purgation as is provided for in this Act for the payment of other help and expenses etc. of said Board. However, no investigator shall be paid more than three (\$3.00) dollars per precinct for his services.

(a) Any citizen of a city of the first class shall have the right to challenge the registration of any voter registered as herein provided for. Such challenge shall be in writing, specifying the name and address of the challenged voter and the grounds of the challenge and shall be filed not later than five weeks prior to the primary election at the office of the Board of Registration Commissioners for the city of the first class and the County Board of Registration and Purgation and the said Board of Registration Commissioners for the city of the first class shall conduct a joint hearing thereon at such time as they may fix after notice has been served as provided for by law and as provided for in this Act. The County Board of Registration and Purgation and the Board of Registration Commissioners for the city of the first class shall hold a hearing upon such challenges and shall decide the right of the challenged voter to vote in any primary election to be held in said city and county and in the event of a disagreement between the County Board of Registration and Purgation and the Board of Registration Commissioners of the city of the first class, the decision of the County Board of Registration and Purgation shall prevail. The failure of any challenged voter against whom notice of challenge shall be served as is now provided for by law or as provided for herein, to appear, shall be prima facie evidence that he is not entitled to register or vote in any such primary election and his registration

record shall be cancelled, transferred or suspended as the case may be.

§ 13. *Duty of the Board of Registration Commissioners of the City of the First Class to Permit County Board of Registration and Purgation to Copy Registration Records.* It shall be the duty of the Board of Registration Commissioners in the cities of the first class to permit the County Board of Registration and Purgation to copy all or any of the registration records of the said Board of Registration Commissioners of the city of the first class and it shall be the duty of the Board of Registration Commissioners of the City of the First Class to furnish to the County Board of Registration and Purgation a copy of all additional registrations after the effective date of this Act at the time that the said Board of Registration Commissioners for the City of the first class now furnishes copies to each of the city and county executive committees.

(a) It shall be the duty of each County Court Clerk of the Commonwealth of Kentucky to immediately prepare after the closing of the registration books as provided for by law and as provided for herein, a list of all registered voters in each precinct in said county in quadruplicate as shown by the said Clerk's registration books and furnish one correct copy thereof to the County Board of Registration and Purgation without cost or fee to the said Board. After the County Board of Registration and Purgation has completed its purgation of said registration lists, said County Board shall notify the County Court Clerk of all names purged therefrom and he shall strike said names from the quadruple lists prepared by him and after said list has been corrected striking therefrom all names of voters purged from said list by the County Board of Registration and Purgation, such corrected list shall be the list furnished to the precinct election officers and other persons as now provided for by law.

§ 14. *Time for Closing Registration Books.* Any person possessing the qualifications for registration as a legal

voter as now provided for by law may appear before the County Court Clerk of any county of his residence or before the Board of Registration Commissioners of any city of the first class in which the voter may reside and register, or change his party affiliation, as the case may be, provided, however, that said voter shall appear before the said Clerk or the Board of Registration Commissioners of any city of the first class at an hour of any day which the office of the County Court Clerk of any county or the office of the Board of Registration Commissioners of any city of the first class may be open for business and at such time register, or change his registration, or party affiliation, as the case may be, except however, the County Court Clerk of any county in the State and the Board of Registration Commissioners of any city of the first class shall cause all registration books or lists to be closed fifty-nine days prior to any primary or general election and no voter shall be registered or change, or be permitted to change, his registration during the period that said books shall remain closed. The County Court Clerk of each county of the Commonwealth of Kentucky and the Board of Registration Commissioners of any city of the first class in this Commonwealth shall not again re-open their books for registration of voters or the re-registering or changing of party affiliation of said voters until ten days after any primary or general election.

§ 15. Section 1486bb-13 be and the same is hereby repealed, amended and re-enacted so when re-enacted said section shall read as follows:

Whenever the County Executive Committee of any political party having representation on the State Board of Election Commissioners shall make application to the County Board of Registration and Purgation, provided said application is made between the fifth day of September and the fifteenth day of October in any year preceding a general election, the County Board of Registration and Purgation as herein provided for, shall appoint two purgation officers, one from

each of the two dominant political parties having representation upon the State Board of Election Commissioners who shall be selected from a list of names submitted to said board by the County Executive Committee of each of such political parties, for any and all precincts, except precincts in cities of the first class, wherein the committee has named any voter whose name should be purged from the list of registered voters and it shall be the duty of said officers to purge the registration lists in any or all precincts named in said application, and the officers so appointed by the County Board of Registration and Purgation as such officers need not reside in such precinct so purged. The County Executive Committee of either of such parties desiring to purge the list of any precinct, other than precincts in cities of the first class, shall file a written request with the County Board of Registration and Purgation as herein provided. Such request shall contain the names of each voter appearing upon the registration lists who is to be challenged or removed from said list and the grounds upon which said challenge is founded and the reasons why said name should be stricken from the list of voters. Whenever any candidate or group of candidates in any primary election desires to purge the registration lists of any name or registered voter in any precinct outside of cities of the first class, said candidate or group of candidates shall file with the County Board of Registration and Purgation as herein provided, a written request between the fifth day of June and the tenth day of July, setting out in said request the name and address of each voter whose right to vote in any primary election is challenged and the grounds and reasons for which said voter is challenged and the reason why his name should be stricken from the list of registration of voters in said precinct. It shall be the duty of the County Board of Registration and Purgation within three days after the last day for filing such request as above provided for to appoint purgation officers for said precincts in the same manner as provided for the appointment of purgation officers

herein for said elections, except that the County Board of Registration and Purgation may appoint purgation officers in any primary election from the citizens and voters of the county without regard to their party affiliation.

The list of challenged voters in either the general or primary election shall be turned over to the two purgation officers as herein provided, who shall be sworn to faithfully discharge their duties as such and they shall meet in the precinct for which they are to act at some place designated and provided by the Sheriff of said county. Said purgation officers shall have the power to summons and swear witnesses and shall conduct a hearing in the precinct at such time as they may fix. Each voter who shall be challenged, unless upon the investigation the purgation officers shall agree that challenge is unfounded and the voter lawfully registered, shall be notified of the time and place of the meeting at which the challenge against him shall be heard, such notice to be in writing and served upon the challenged voter either by delivering or offering to deliver a copy of said notice to him in person or if said voter cannot be found at his place of residence shown on the registration records, by leaving a copy thereof with any person over the age of sixteen residing in the same family with said voter or if no such person be there, by affixing a copy of such notice to the front door of such place of residence. The person who serves such notice shall return a copy thereof to the purgation officers with an indorsement thereon stating when and how it was served and if a copy was not delivered to the person to whom it was directed, the indorsement must state the facts authorizing the method of service adopted, if the person serving the notice be an officer, his indorsement must show his official position; if he be not an officer, he must make an affidavit that his indorsement is true, that he is over sixteen years of age, and that he is not a party to nor interested in the proceeding. Such indorsement of an officer, or such indorsement and affidavit of one who is not an officer, shall be proof of service.

After investigation and hearing such evidence as may be presented, the purgation officers shall determine whether the voter is properly and legally registered; such hearing shall be conducted in a summary manner and the officers, in their discretion, may reasonably limit the number of witnesses testifying for either party. If the purgation officers find that the challenged voter is not properly and legally registered, his registration shall thereupon be cancelled by them. The failure of any voter against whom a notice of challenge has been served as provided herein to appear at such hearing shall be prima facie evidence that he is not entitled to registration, and his registration record shall be cancelled. Appeals from the action of the purgation officers may be taken in the manner hereinafter provided. If they find that he is legally and properly registered, nothing further shall be done with his name. The County Court Clerk shall turn the "copy" registration record of the precinct over to such purgation officers when they are to hold their meetings, taking their receipt therefor, and upon the conclusion of their meetings, the purgation officers shall return such registration record to the County Court Clerk and take his receipt therefor. In the event the purgation officers disagree as to whether the registration of any person should be cancelled, they or either of them shall reduce to writing the facts as developed and certify such statement of facts to the County Board of Registration and Purgation, and the said Board shall at once hear the cause of such challenged voter and summarily decide the question, and shall reduce their decision to writing, and the decision shall be signed by the chairman of the Board, attested by the secretary of the Board, and the written decision shall then be delivered to the County Court Clerk. The County Court Clerk upon receipt of such decision from the Registration and Purgation Board shall immediately issue a notice to the challenged voter showing the action of the Registration and Purgation Board in his case, and if the County Board of Registration and Purgation shall decide against the voter

the County Clerk shall at once remove his name from the registration lists or registration books and the voter shall not be entitled to vote until such time as he may be properly and legally registered. If, however, the County Board of Registration and Purgation should find that the voter is legally and properly registered, the County Court Clerk shall leave his name in the list of registration or registration book and nothing further shall be necessary to permit the said voter to cast his vote in any election unless he shall be thereafter challenged. The notice to the voter that his registration has been challenged as provided for herein may be served by the persons named herein and, in addition thereto, if the Board deems it necessary, the Board may employ other persons who possess the qualifications of a legal voter to assist in the serving of said notices, and for their services they may be paid as provided herein. Any voter whose right to vote has been challenged by the purgation officers or the Board of Registration and Purgation as provided for herein may appeal from such decision directly to the County Judge or to any Circuit Judge in the county, provided said appeal is perfected within the time provided for in this Act.

§ 16. *Time of Appeal.* Any voter whose right to vote has been denied or whose name has been stricken from the registration lists or registration books by any purgation officer or officers as provided for herein or by the County Board of Registration and Purgation or by the Board of Registration Commissioners of any city of the first class, as provided for herein, or as otherwise provided for by law, shall perfect his appeal to the County Judge or to any Circuit Judge as is provided for herein or as may be now provided for by law five days prior to any primary, special or general election, and if the appeal be not perfected five days before any such primary, general or special election, no County Judge or Circuit Judge in this Commonwealth shall have jurisdiction to hear said appeal. Provided, further, that the decision of any such purgation officer or County Board of

Registration and Purgation or Board of Registration Commissioners for any city of the first class affecting the right of the voter to vote in any primary, general or special election or removing, transferring, cancelling or suspending his registration, shall be rendered by such purgation officer or Board later than eight days before any election.

§ 17. *Suspended Lists.* If the County Board of Registration and Purgation in any county in this Commonwealth or any Board of Registration Commissioners in any city of the first class shall find that there are names upon the registration lists or registration books who are properly and legally registered but further find that any of said voters are not entitled to vote in the next primary, general or special election, they shall not cancel said registration but shall cause the registration authorities to remove the registration cards or names of such voters from the registration lists or registration books so that said names shall not be sent to the precincts on election day for said coming election in which the said voters are not qualified to participate. The registration officers shall place said registration cards in some secure place to be held and identified as suspended lists of registered voters and the names of said voters shall not be replaced in the registration lists or registration books by the registration officers until such time as said voters may be eligible to vote and such voters will not be required to re-register.

§ 18. *Severance Clause.* It is hereby declared to be the legislative intent that each and every paragraph and section of this Act shall be severable and that the Legislature would have enacted each and every paragraph of same separately and in the event it should be adjudged that any paragraph or section hereof should be unconstitutional or void, said decision shall in no wise affect such paragraph, sections or parts hereof which were not attacked or adjudged unconstitutional, and all remaining sections shall be enforced as if they had been enacted separately.

§ 18-A. *Failure to perform duty; penalty.* Any person who shall wilfully fail to perform any of his duties set forth in this Act, shall be guilty of a misdemeanor, and, upon conviction thereof, be fined not less than ten dollars, nor more than \$100.00 dollars, for each offense.

§ 18-B. Nothing contained in this Act shall in any manner affect, change or alter the qualifications of any voter in any election held in this state.

§ 19. All laws in conflict herewith are hereby expressly repealed.

§ 20. *Emergency Clause.* Whereas, there are a large number of persons registered throughout the State under the present registration laws, and there are a large number of voters whose names appear in the registration lists who are not entitled to vote in any primary, general or special election, and whose names should be removed from the registration lists, and

WHEREAS, there is now fast approaching a primary election and in order to have an honest election and to provide means whereby any such voters as are entitled to vote will be permitted to vote, and

WHEREAS, it is necessary to create and provide an effective purgation of the registration lists throughout the entire State and in order to have said registration lists purged in time for the coming primary election or any special election that may be held in the State, an emergency is hereby declared to exist and this act shall become effective immediately after its passage and approval by the Governor.

At the instance of the Committee on Rules, Senator Mayer also offered the following amendments to said amendment by way of substitute as offered by him, viz:

Amendment No. 1. Amend Committee Substitute for H. B. 385 on page 10, section 12, line 24, by striking from said line

immediately following the word "registration" the word "an"

Amendment No. 2. Amend Committee Substitute for H. B. 385 on page 11, section 12, line 46, by striking from said line immediately after the word "of" and before the word "report" the word "aid" and in lieu thereof insert the word "said"

Amendment No. 3. Amend Committee Substitute for H. B. 385, section 16, page 19, line 12, by striking therefrom the word "the" immediately following the word "that" and preceding the word "decision" and in lieu thereof insert the word "no"

Amendment No. 4. Amend Committee Substitute for H. B. 385, page 14, section 15, line 1, by inserting immediately after the figure "13" and before the word "be" in said line 1 the following: "Carroll's Kentucky Statutes, 1936 Edition"

Amendment No. 5. Amend Committee Substitute for H. B. 385 on page 9, section 11, line 52 after the word "chairman" by adding the words "and secretary"

Amendment No. 6. Amend Committee Substitute for H. B. 385 on page 8, section 11, line 27, after the word "chairman" by adding the words "and secretary"

Amendment No. 7. Amend Committee Substitute for H. B. 385, page 5, section 10, line 16 after the word "Board." by inserting the following:

"Provided however that the chairman and secretary shall not belong to the same party of the two dominant political parties now having representation upon the State Board of Election Commissioners."

Amendment No. 8. Amend Committee Substitute for H. B. 385 on page 19, sub-section 17, by striking from line 2 the following: "in any county of this Commonwealth"

Said amendment were each and severally agreed to.

At the instance of the Committee on Rules, Senator Williams offered the following amendment to the committee substitute, viz:

Amendment No. 9. Amend Committee Substitute for H. B. 385, page 16, section 15, line 47, by inserting after the word "some" and before the word "place", the word "convenient"

Said amendment was agreed to.

Senator Gilbert offered the following amendment to the committee substitute, viz:

Amendment No. 10. BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE COMMONWEALTH OF KENTUCKY:

The amendment for Committee Substitute for H. B. 385 be and is hereby amended by striking out after the enacting clause Sections 1 through 13 inclusive, Sections 15 and 16, and by striking from Section 17 the following words: "County Board of Registration and Purgation in any County of this Commonwealth or any" beginning in line 1 and ending in line 2 of said Section 17, and by striking out Sections 18 and 18a.

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the affirmative were—

Leer Buckley	Wm. H. Jones, Jr.	J. E. Trager	
W. C. Farmer	Ray B. Moss	J. E. Wise	
Ralph Gilbert	Paul L. Sidebottom		—8

Those who voted in the negative were—

Wm. R. Attkisson	J. Joseph Hettinger	Ira W. See	
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.	
Paul M. Basham	Leo King	Jos. P. Tackett	
H. Stanley Blake	J. W. McDonald	Ervine Turner	
Ollie J. Bowen	Stanley B. Mayer	Thomas O. Turner	
Dr. D. H. Bush	Strother Melton	Otis White	
Waller A. Crockett	E. C. Moore	O. C. Whitfield	
Edwin C. Dawson	J. Lee Moore	B. M. Williams	
Lee Gibson	Dr. R. C. Moss		
John M. Hall	James C. Rogers		—28

Whereupon, said amendment was disagreed to.

Senator Jones offered the following amendment to the committee substitute, viz:

Amendment No. 11. To amend H. B. 385, as amended by Committee Substitute, as follows: On page 5, Section 9, line 16, after the word "Purgation" strike out the "." and add the following words: " , said citizen to be chosen by said State Board of Registration and Purgation from the political party having the largest registration on said registration records of said county as of December 1st prior to such appointment, and said appointment to be made from a list of five registered voters to be submitted by the Executive Committee of said dominant party in said county in the same manner as now prescribed for the appointment of members of the County Board of Election Commissioners, said list to be submitted to said State Board not later than December 10th, of each year."

The yeas and nays being taken thereon were as follows, viz:

Those who voted in affirmative were—

Paul M. Basham	Wm. H. Jones, Jr.	J. E. Trager
Leer Buckley	Ray B. Moss	E. T. Wesley
W. C. Farmer	Ira W. See	Otis White
Ralph Gilbert	Paul L. Sidebottom	B. M. Williams

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Those who voted in the negative were—

Wm. R. Attkisson	John M. Hall	J. Lee Moore
Aubrey Barbour	J. Joseph Hettinger	Dr. R. C. Moss
H. Stanley Blake	H. Watt Hillman	James C. Rogers
Ollie J. Bowen	Leo King	John A. Sugg, Jr.
Dr. D. H. Bush	J. W. McDonald	Jos. P. Tackett
Waller A. Crockett	Stanley B. Mayer	Ervine Turner
Edwin C. Dawson	Strother Melton	Thomas O. Turner
Lee Gibson	E. C. Moore	O. C. Whitfield

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Whereupon, said amendment was disagreed to.

Senator Jones also offered the following amendment to said bill viz:

Amendment No. 12. To amend the printed H. B. 385 as amended by Committee Substitute as follows: In each and every place in said bill wherein the words "Fiscal Court" or "Fiscal Court of the county" occur, to strike out said words and insert in lieu thereof the word "Department of Finance of the Commonwealth of Kentucky"

Senator J. Lee Moore raised the point of order that said amendment as offered by Senator Jones was not germane to the bill.

The President of the Senate ruled that the point of order

as raised by Senator Moore was well taken and that said amendment as offered by Senator Jones was out of order.

Said committee amendment to said bill by way of substitute therefor was then agreed to as amended.

Senator Mayer moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Ira W. See
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
H. Stanley Blake	J. W. McDonald	Ervine Turner
Ollie J. Bowen	Stanley B. Mayer	Thomas O. Turner
Dr. D. H. Bush	Strother Melton	E. T. Wesley
Waller A. Crockett	E. C. Moore	Otis White
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
Lee Gibson	Dr. R. C. Moss	B. M. Williams
John M. Hall	James C. Rogers	

Those who voted in the negative were—

Leer Buckley	Wm. H. Jones, Jr.	J. E. Trager
W. C. Farmer	Ray B. Moss	J. E. Wise
Ralph Gilbert	Paul L. Sidebottom	

—8

Resolved that the title thereof be as amended.

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House announcing that they had passed bills and resolutions which originated in the Senate of the following titles, viz:

S. B. 4. An act to amend section 1142a Kentucky Statutes relating to credit for imprisonment during inability to secure bail.

S. B. 11. An Act requiring the operators of all vehicles to stop before passing a school bus upon a public highway which shall be stopped for the purpose of receiving or discharging passengers, and providing penalty for violation.

S. B. 34. An Act to amend Section 2741-2, Carroll's Statutes, 1936 edition, relating to libraries, boards of trustees, powers members, appointments and term, qualifications and expenditures not to exceed net income and adding to said section auditoriums and club rooms and other public accommodations which have been or may be constructed in connection with public libraries and providing for a board of trustees and giving said board of trustees the power to issue bonds and

notes not exceeding ten thousand dollars (\$10,000.00) and providing for the payment of sumh indebtedness, limiting the amount of said indebtedness which the board may incur for equipping said buildings.

S. B. 38. An Act to amend and re-enact Section 913-1, Kentucky Statutes, 1936 Edition.

S. B. 42. An Act relating to the joint control with any surety of money or securities or other assets by any administrator, executor, committee, guardian, trustee or any other fiduciary for whom a bond, undertaking, or other obligation is required.

S. B. 71. An Act to amend Section 965, Carroll's Kentucky Statutes, 1936 Edition, and being the time of holding court in the Twenty-Fourth Judicial District composed of Johnson and Martin Counties and fixing the time therefor, relating to Circuit Courts.

S. B. 154. An Act to repeal, amend and re-enact Section Seven hundred sixty-two A Fourteen A (762A-14A), Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to maintenance of an office within this Commonwealth by insurance agents.

S. B. 166. An Act providing educational oportunities for the Orphans of Soldiers, Sailors, and Marines who were killed in action or died during the World War, and appropriating necessary money therefor from General Fund.

S. B. 95. An Act amending and re-enacting Section 2242 of Carroll's Kentucky Statutes, 1936 revision, relating to the compensation of Jury Commissioners.

S. B. 171. An Act to repeal, amend and partially re-enact Sections 165a-23 to and including 165a-61 of Baldwin's 1936 revision of Carroll's Kentucky Statutes, and being a part of Chapter seventeen of the Acts of the General Assembly of 1932, relating to banking and securities.

S. Res. 8. Joint resolution authorizing Emma J. Young to sue the Commonwealth of Kentucky.

S. Res. 10. Resolution authorizing Eva Jane Pennington, by her guardian or next friend, or her personal representative, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

S. Res. 11. Resolution authorizing Mary Jane Hayes and Tom Hayes to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or either.

S. Res. 16. Resolution authorizing Weldon (Tex) Wallace to sue the Commonwealth of Kentucky.

S. Res. 17. Resolution authorizing Henry T. McClure to sue the Commonwealth of Kentucky.

S. Res. 19. A resolution authorizing Lavina Pope to file suit against the Commonwealth of Kentucky, or the State Highway Commission of Kentucky, or either, or both of them.

S. Res. 21. A resolution authorizing Ethel Carr, a married woman, to sue the Jefferson County Fiscal Court and/or Jefferson County, Kentucky.

S. Res. 26. Resolution authorizing W. H. Housman to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

S. Res. 31. Resolution authorizing A. L. Schooler to sue the Commonwealth of Kentucky.

S. Res. 33. A resolution, authorizing Hiram Brock to file suit against the Commonwealth of Kentucky or the State Highway Commission of Kentucky, or either or both of them.

S. Res. 34. A resolution authorizing Sanford England to file suit against Harlan County, State of Kentucky, or the Commonwealth of Kentucky, or either of them or both.

S. Res. 35. A Resolution authorizing Dora Delph to file and prosecute suit against the Commonwealth of Kentucky, or the State Highway Commission of Kentucky, or either or both of them.

S. Res. 38. Resolution authorizing C. C. Law to sue the Commonwealth of Kentucky.

S. Res. 47. A Resolution providing for the appointment of a committee composed of members of the Senate and House of Representatives of the Commonwealth of Kentucky to investigate the prices of tobacco sold in the Commonwealth of Kentucky and providing that the said committee shall investigate, study and determine the causes of fluctuation in the prices paid for unmanufactured tobacco and providing that said committee shall have the power and authority to summon witnesses, administer oath and collect data concerning the price of said tobacco sold in the Commonwealth of Kentucky and that said committee shall further be empowered to examine the books, records and other evidence concerning the sales or purchase of tobacco of any warehouse selling tobacco in the Commonwealth of Kentucky and to examine under oath any purchaser of tobacco in the Commonwealth of Kentucky.

S. Res. 48. Resolution authorizing Robert Jameson of Beattyville, Kentucky, for himself and Robert Jameson, Earl Jameson and Hazel J. Sexton, administrators and admistatrix of the estate of Thomas Jameson, deceased, to institute suit against the Commonwealth of Kentucky and the State Division of Armories, as successor to the Armory Commission of the Commonwealth of Kentucky, or either.

S. Res. 49. A Resolution authorizing J. B. Westerfield to sue the Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, either or both; validating supplemental contract between J. B. Westerfield and the Commonwealth of Kentucky; and authorizing payment of the claim of J. B. Westerfield out of the State Road Fund.

S. Res. 58. Resolution authorizing George Luttrell and Nora Luttrell, his wife, to file suit against the Commonwealth of Kentucky and the State Highway Commission, or either.

S. Res. 59. A Joint Resolution for the benefit of the ministers of the churches of Frankfort, Kentucky.

S. B. 92. An Act relating to libraries, creating a board for the certification of librarians and defining powers, and prescribing penalties.

S. B. 208. An Act to enable cities and counties of the Commonwealth to acquire land for aviation fields, providing that cities may acquire such lands within their corporate limits or anywhere in the county in which the city is located, for aviation fields and to establish and equip the same airports; and authorizing cities and counties to use, operate and control

the same for the benefit of such cities and counties and the inhabitants thereof.

Ordered that said bills and resolutions be delivered to the Enrolling Clerk of the Senate.

The message which was received from the House further announced that they had passed a bill which originated in the Senate of the following title, viz:

S. B. 89. An Act relating to the trapping of animals.

With the following amendment thereof, as proposed and adopted by the House, viz:

Amend S. B. No. 89 in House on page 1, Section 5, lines 1 and 2 by striking out the words and figures "November 1, 1939" and inserting in lieu thereof the words and figures "January 1, 1940"

Senator Buckley moved that the vote by which said bill was passed be reconsidered.

Said motion was unanimously agreed to.

Thereafter such reconsideration.

Senator Buckley moved that the Senate do now concur in said amendment to said bill as proposed and adopted by the House.

Said motion was agreed to.

Thereupon, said amendment was agreed to.

Said bill was then passed as amended.

The yeas and nays being taken on the passage of said bill as amended, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Ray B. Moss
Aubrey Barbour	H. Watt Hillman	Ira W. See
H. Stanley Blake	Wm. H. Jones, Jr.	Jos. P. Tackett
Leer Buckley	Leo King	J. E. Trager
Dr. D. H. Bush	J. W. McDonald	Thomas O. Turner
Waller A. Crockett	Stanley B. Mayer	E. T. Wesley
Edwin C. Dawson	Strother Melton	Otis White
Lee Gibson	E. C. Moore	O. C. Whitfield
Ralph Gilbert	J. Lee Moore	B. M. Williams
John M. Hall	Dr. R. C. Moss	

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Resolved that the title thereof be aforesaid.

Senator Buckley moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Dawson of the Committee on Enrollment reported that said committee had examined and found to be correctly enrolled bills and resolutions of the following titles, viz:

H. B. 36. An Act adopting as the law of the Commonwealth of Kentucky the edition of Carroll's Kentucky Statutes compiled and edited by William Edward Baldwin and

Richard Priest Dietzman, issued in the year 1936, and the Supplement thereto compiled and edited by William Edward Baldwin and Richard Priest Dietzman, issued in April, 1937, and the Supplement thereto compiled and edited by William Edward Baldwin and Richard Priest Dietzman, issued in the year October, 1937, and known as Baldwin's Kentucky Statutes Service.

H. B. 35. An Act adopting as the Civil and Criminal Codes of Practice of the Commonwealth of Kentucky, the edition of Carroll's Kentucky Codes, Civil and Criminal, compiled and edited by William Edward Baldwin and Richard Priest Dietzman, issued in the year 1938.

H. B. 6. An Act to amend Section 1 of Chapter 87 of an Act entitled: "An Act to authorize the incorporation of Chambers of Commerce, provide for their government and the collection of dues and to authorize appropriations thereto by City Councils and City Commissioners of cities of the third (3d) and fourth (4th) classes in the Commonwealth of Kentucky; and to include cities of the second (2nd) class," said Act being enacted by the General Assembly and approved March 17, 1928, and being Sections 2741n-1, Kentucky Statutes, 1930 Carroll's Edition, making the provisions of said Act applicable to cities of the second (2nd) class.

H. B. 38. An Act empowering Dr. L. S. Siler of Whitley County, Kentucky, to institute and maintain action against the Commonwealth of Kentucky for damages, and, in event of recovery providing for payment of judgment recovered in said action.

H. B. 84. An Act amending the Constitution of the Commonwealth of Kentucky, relating to assistance to the aged, to the blind, and to dependent children, and to other assistance

in cooperation with the federal government under the Social Security Act and acts amendatory thereto.

H. B. 185. An Act relating to the Department of Highways and providing for the employment of an Asistant Attorney General for said department, prescribing his qualifications and duties, the manner and term of his appointment, providing for his salary and the manner in which same shall be paid, and declaring an emergency.

H. Res. 33. A concurrent resolution providing for the creation of a commission to plan for a proper observance of the One Hundred and Fiftieth Anniversary of the admission of Kentucky into the Union.

H. Res. 27. Joint resolution directing the payment to William D. Overton of the sums directed to be paid pursuant to the Joint Resolution of the General Assembly, for the benefit of William D. Overton, approved March 15, 1924, and appearing in the Acts of the General Assembly of 1924, as Chapter 297, on page 614.

S. B. 154. An Act to repeal, amend and re-enact Section Seven hundred sixty-two A Fourteen A (762A-14A), Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to maintenance of an office within this Commonwealth by insurance agents.

S. B. 42. An Act relating to the joint control with any surety of money or securities or other assets by any administrator, executor, committee, guardian, trustee or any other fiduciary for whom a bond, undertaking, or other obligation is required.

S. B. 4. An Act to amend section 1142a Kentucky Stat-

utes relating to credit for imprisonment during inability to secure bail.

S. B. 166. An Act providing educational opportunities for the Orphans of Soldiers, Sailors, and Marines who were killed in action or died during the World War, and appropriating necessary money therefor from General Fund.

S. B. 38. An Act to amend and re-enact Section 913-1, Kentucky Statutes, 1936 Edition.

S. B. 71. An Act to amend Section 965, Carroll's Kentucky Statutes, 1936 Edition, and being the time of holding court in the Twenty-Fourth Judicial District composed of Johnson and Martin Counties and fixing the time therefore, relating to Circuit Courts.

H. Res. 31. Joint Resolution for the benefit of Lieutenant O. J. Wilson, an officer in Company C 149th Infantry United States Guard, who received serious and painful injuries in the service of the Commonwealth of Kentucky.

S. Res. 8. Joint Resolution authorizing Emma J. Young to sue the Commonwealth of Kentucky.

S. Res. 10. Resolution authorizing Eva Jane Pennington, by her guardian or next friend, or her personal representative, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

S. Res. 11. Resolution authorizing Mary Jane Hayes and Tom Hayes to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky or either.

S. Res. 16. Resolution authorizing Weldon (Tex) Wallace to sue the Commonwealth of Kentucky.

S. Res. 17. Resolution authorizing Henry T. McClure to sue the Commonwealth of Kentucky.

S. Res. 35. A Resolution authorizing Dora Delph to file and prosecute suit against the Commonwealth of Kentucky, or the State Highway Commission of Kentucky, or either or both of them.

S. Res. 21. A Resolution authorizing Ethel Carr, a married woman, to sue the Jefferson County Fiscal Court and/or Jefferson County, Kentucky.

S. Res. 26. Resolution authorizing W. H. Housman to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

S. Res. 33. A Resolution, authorizing Hiram Brock to file suit against the Commonwealth of Kentucky or the State Highway Commission of Kentucky, or either or both of them.

S. Res. 34. A Resolution authorizing Sanford England to file suit against Harlan County, State of Kentucky, or the Commonwealth of Kentucky, or either or both of them.

S. Res. 38. Resolution authorizing C. C. Law to sue the Commonwealth of Kentucky.

S. Res. 47. A Resolution providing for the appointment of a committee composed of members of the Senate and House of Representatives of the Commonwealth of Kentucky to investigate the prices of tobacco sold in the Commonwealth of Kentucky and providing that the said committee shall investigate, study and determine the causes of fluctuation in the prices paid for unmanufactured tobacco and providing that said committee shall have the power and authority to summon witnesses, administer oath and collect data concerning the

price of said tobacco sold in the Commonwealth of Kentucky and that said committee shall further be empowered to examine the books, records and other evidence concerning the sales or purchase of tobacco of any warehouse selling tobacco in the Commonwealth of Kentucky and to examine under oath any purchaser of tobacco in the Commonwealth of Kentucky.

S. Res. 48. Resolution authorizing Robert Jameson of Beattyville, Kentucky, for himself and Robert Jameson, Earl Jameson and Hazel J. Sexton, administrators and administratrix of the estate of Thomas Jameson, deceased, to institute suit against the Commonwealth of Kentucky and the State Division of Armories, as successor to the Armory Commission of the Commonwealth of Kentucky, or either.

S. Res. 49. A Resolution authorizing J. B. Westerfield to sue the Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, either or both; validating supplemental contract between J. B. Westerfield and the Commonwealth of Kentucky; and authorizing payment of the claim of J. B. Westerfield out of the State Road Fund.

S. Res. 58. Resolution authorizing George Luttrell and Nora Luttrell, his wife, to file suit against the Commonwealth of Kentucky and the State Highway Commission, or either.

S. Res. 19. A Resolution authorizing Lavina Pope to file suit against the Commonwealth of Kentucky, or the State Highway Commission of Kentucky, or either, or both of them.

Thereupon, all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled; and, thereupon, the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver said bills and resolutions which originated in the House to the Enrolling Clerk of the House and those which originated in the Senate to the House.

After a time the Enrolling Clerk delivered the said original and enrolled copies of said bills and resolutions which originated in the Senate duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills and resolutions to the Governor.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

Senator Gilbert moved that the Senate do now recess until 8 o'clock, P. M.

Said motion was agreed to.

And then the Senate recessed.

NIGHT SESSION

The appointed hour having arrived, the President of the Senate resumed the Chair and called the Senate to order.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 245. An Act repealing, amending and re-enacting Section 4224a-1 of Carroll's Kentucky Statutes, 1936 Edition, so as to impose an occupational license tax only upon wholesalers, jobbers and retailers of cigarettes, restaurants, retailers of ice cream and soft drinks, theaters, billiards and pool

tables and bowling alleys, and providing certain exemptions therefrom and for the repeal of all licenses herein imposed except upon wholesalers of cigarettes effective June 29, 1940, of Section 4224a-1 as hereby amended and re-enacted and Sections 4190 through 4202a of Carroll's Kentucky Statutes, 1936 Edition; repealing Sections 4215, 4216, 4217b-1 through 4217b-10, 4218 through 4223a, 4223d-1 through 4223d-5, 4224, 4224c-1 4224d-1 through 4224d-18 of Carroll's Kentucky Statutes, 1936 Edition; repealing all laws to the extent that they conflict, and providing a separability clause, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Section 4224a-1 of Carroll's Kentucky Statutes, 1936 Edition, is hereby repealed, amended and re-enacted to read as follows:

4224a-1. License. No person, firm or corporation shall engage in any of the occupations or sell any of the articles named in this Act until such person, firm or corporation shall have paid to the county court clerk of the county wherein such person, firm or corporation is engaged in such occupation or in selling such articles the license tax herein prescribed.

Provided, however, that this section shall not be construed to impose a tax on any county, state or community fair association or corporation or similar enterprise, or upon the agent or concessionaire of any such association, or corporation operating within the grounds or rooms devoted to a festival or fair of any such association, or corporation which shall engage in any of the occupations or sell any of the articles named in this Act for a period of not exceeding one week in any calendar year without profit to the members, stockholders of or other person connected with such association, or corporation.

Subsec. 1. Cigarettes, wholesalers and jobbers. For

each establishment, place of business or warehouse of a wholesale dealer or jobber of cigarettes, Fifty Dollars (\$50.00) per annum. Provided that any such wholesaler or jobber who does not maintain a regularly established place of business or warehouse in this State may apply for and receive a license in Franklin County.

Subsec. 2. Cigarettes, retail dealers. For each place at which cigarettes are sold at retail, Ten Dollars (\$10.00) per annum.

Subsec. 3. Restaurants. For each restaurant include railroad eating houses serving meals, Ten Dollars (\$10.00) per annum.

Subsec. 4. Soft drinks and ice cream, retail dealers. For each retail outlet of soft drinks or ice cream, Five Dollars (\$5.00) per annum. Soft drinks, within the meaning of this Act, shall be construed to be any beverage of less than one-half of one per cent alcohol, whether bottled or from a fountain. In cases where ice cream and soft drinks are sold by the same retail outlet, one license tax of Ten Dollars (\$10.00) per annum only shall be charged.

Subsec. 5. Theaters. For each theater or public exhibition or performance, twenty cents (20c) per seat per annum, the minimum charge under this Act to be Ten Dollars (\$10.00) per annum. A theater within the meaning of this Act shall be construed to be any building wherein public exhibitions or performances, including moving pictures, are given, and at which a charge is exacted from those attending same. This paragraph shall not apply to chautauquas, to fairs, or to buildings owned or operated by religious, educational or charitable organizations in which public exhibitions or performances are given by such organizations, but shall apply if at any time non-religious, non-educational or non-charitable organizations or persons use the same.

Subsec. 6. Billiard or pool tables or bowling alleys. For each billiard or pool table or bowling alley, irrespective of size, where a fee is charged and collected, directly or indirect-

ly, Thirty Dollars (\$30.00) per annum for each additional alley and Five Dollars (\$5.00) per annum for each additional table or alley.

§ 2. Sections 4215, 4216, 4217b-1 through 4217b-10, 4218 and through 4223a, 4223d-1 through 4223d-5, 4224, 4224c-1, 4224d-1 through 4224d-18 of Carroll's Kentucky Statutes, 1936 Edition, and all other laws or parts thereof in conflict with this Act are hereby repealed to the extent of the conflict.

§ 3. Subsequent repeal. Subsections 2, 3, 4, 5, and 6 of Section 1 and Sections 4190 through 4202a of Carroll's Kentucky Statutes, 1936 Edition, are hereby repealed, effective June 29, 1940; provided this section shall not be construed to reinstate or make effective any section or provisions repealed by this Act.

§ 4. If any provision, section, paragraph or phrase of this Act, or the application of any such provision, section paragraph or phrase to any person, firm, corporation, property or circumstance should be held invalid, such decision shall not affect or impair the remainder of this Act, it being hereby declared the legislative intent that the remainder of this Act would have been passed by the Legislature without the invalid provision, section, paragraph or phrase, or that the Legislature would have passed such without intending the application of it to such person, firm, corporation, property or circumstance.

§ 5. Whereas, the expense of collecting the licenses herein repealed amount to more than the revenues received, and the field staff of the Department of Revenue is inadequate to enforce collection of same, an emergency is declared to exist and this Act shall become effective from and after its passage and approval by the Governor, but nothing herein shall be construed as affecting licenses which have heretofore been issued.

Senator E. C. Moore offered the following amendment to said bill, viz:

Amendment No. 1. Amend H. B. 245 by adding after the “,” in line 3, section 2, page 3, the following: “are hereby expressly repealed,”

Said amendment was agreed to.

Senator E. C. Moore moved the Previous Question.

Whereupon, the President of the Senate announced, “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	John A. Sugg, Jr.
Aubrey Barbour	Wm. H. Jones, Jr.	Jos. P. Tackett
Paul M. Basham	Leo King	J. E. Trager
H. Stanley Blake	J. W. McDonald	Ervine Turner
Ollie J. Bowen	Stanley B. Mayer	Thomas O. Turner
Leer Buckley	Strother Melton	E. T. Wesley
Dr. D. H. Bush	E. C. Moore	Otis White
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
Lee Gibson	Dr. R. C. Moss	B. M. Williams
Ralph Gilbert	Ray B. Moss	J. E. Wise
John M. Hall	Ira W. See	
J. Joseph Hettinger	Paul L. Sidebottom	

There voted in the negative—

Waller A. Crockett

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Resolved that the title thereof be as aforesaid.

Senator E. C. Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House announcing that they had passed bills which originated in the Senate of the following titles, viz:

S. B. 90. An Act to amend “An Act authorizing the establishment of free public libraries in cities of the Second and Third Classes”, which was enacted at the regular session of the General Assembly of the Commonwealth of Kentucky held in the year 1902, and which was approved March 21, 1902, and which appears as Chapter 70 of the Acts of the General Assembly passed at said regular session of the year 1902, at pages 155 to 158 thereof, and which also appears as Section 3210b-1 of Carroll’s Kentucky Statutes, Baldwin’s Revision, published in the year 1936, as said Act may have been heretofore amended; and for other purposes.

S. B. 106. An Act relating to the uniform law of warehouse receipts and warehousing, providing for the issual of warehouse receipts, the obligation and rights of warehousemen upon receipts, interpretation of the act, and providing penalties for violations thereof.

S. B. 175. An Act to amnd Section 5 of Chapter 27 of an act approved March 22nd, 1916, relating to Fraternal Bene-

fit Societies, by adding "Subsections 3 and 4; repealing all laws in conflict with this Act to the extent of such conflict."

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 284. An Act to amend Section 5 of Chapter 27 of an act approved March 22nd, 1916, relating to Fraternal Benefit Societies, by adding "Subsections 3 and 4; repealing all laws in conflict with this Act to the extent of such conflict.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 5 of Chapter 27 of an Act approved March 22nd, 1916, relating to Fraternal Benefit Societies, be amended by adding Subsections 3 and 4, reading as follows:

"Subsection 3; Any fraternal benefit Society authorized to do business in this State, which shall accumulate and maintain the reserves on all certificates hereafter issued, required by the American Experience Table of Mortality, with Craig's or Buttolph's extension thereof, or the Standard Industrial Table of Mortality, with an interest assumption of not more than four per centum per annum, or some higher standard, may accept members at such ages, and children under sixteen years of age, in such manner and upon such showing of eligibility, and issue to its members and to children under sixteen years of age such forms of certificates in such amounts and payable to such beneficiaries as its Constitution and Laws may authorize. Children under sixteen years of age shall have no voice of vote."

No children under sixteen (16) years of age shall be issued a certificate unless the written consent of either parent or legal guardian is obtained.

“Subsection 4; All laws and parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict.”

Senator T. O. Turner moved the Previous Question.

Whereupon, the President of the Senate announced, “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Paul L. Sidebottom
Aubrey Barbour	Leo King	John A. Sugg, Jr.
Paul M. Basham	J. W. McDonald	Jos. P. Tackett
Ollie J. Bowen	Stanley B. Mayer	J. E. Trager
Leer Buckley	Strother Melton	Thomas O. Turner
Edwin C. Dawson	E. C. Moore	E. T. Wesley
Lee Gibson	J. Lee Moore	Otis White
Ralph Gilbert	Dr. R. C. Moss	O. C. Whitfield
John M. Hall	Ray B. Moss	B. M. Williams
J. Joseph Hettinger	Ira W. See	J. E. Wise

Resolved that the title thereof be as aforesaid—

Senator T. O. Turner moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 152. An Act to authorize the judges of police courts in cities of the first and second class to postpone rendition of judgment, to probate the offenders, and to make rules and regulations for the arrest of defendants and enforcement of judgment rendered in certain criminal cases; to provide for the appointment, duties and salary of a probation officer.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In prosecutions for crime, in the police courts in cities of first and second class, except as hereinafter provided, where the defendant has pleaded or been found guilty, and the defendant has never before been convicted of a felony either in this State or elsewhere, and it appears to the satisfaction of the court that the character of the defendant and circumstances of the case are such that he is not likely again to engage in an offensive course of conduct, and the public good does not demand or require that he shall suffer the penalty imposed by law, such court may postpone the rendition of judgment on such terms and conditions as the court may deem proper. Whenever in the opinion of the the court the sentence should no longer be postponed, the court shall have

power to cause a warrant to issue for the defendant and he may thereupon on his arrest be sentenced and such sentence carried into immediate execution.

§ 2. There may be created by the Board of Commissioners or other governing body of the cities of the first or second class the office of probation officer, whose duty it shall be to act in co-operation with police department of said cities and to see that all probated offenders do not violate the law during their term of probation and to check the circumstances of the case to be probated and the character of the defendant and to do any other duty properly requested by the court. Said probation officer shall be named and appointed by the police judge and have all powers now imposed upon police officers. His salary shall be fixed by the governing body of the city, not to exceed eighteen hundred (\$1800.00) dollars a year, to be paid by the city out of revenue derived from the collection of fines and forfeitures imposed by said police court.

§ 3. Whereas it is necessary that some immediate action be taken with reference to first-time, minor offenders, therefore, it is declared that an emergency exists and this act shall take effect immediately upon its passage and approval by the Governor.

§ 4. All laws or parts of laws in conflict herewith are hereby repealed.

Senator Buckley moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Stanley B. Mayer	Ervine Turner
Leer Buckley	Strother Melton	Thomas O. Turner
Dr. D. H. Bush	E. C. Moore	E. T. Wesley
Waller A. Crockett	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	B. M. Williams
John M. Hall	Ira W. See	

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Resolved that the title thereof be as aforesaid—

Senator Buckley moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 307. An Act to amend an act entitled: "An Act for the government of cities of the first class in the Common-

wealth of Kentucky," approved July 1, 1893, and providing for an election upon the question of annexation in any area already comprising or a part of an incorporated municipality; fixing the procedure and the time when the question can again be submitted if rejected.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. An Act entitled "An act for the Government of Cities of the First Class in the Commonwealth of Kentucky," approved July 1, 1893, be and the same is amended as follows: Section 258 of said Act is repealed and the following is enacted in lieu thereof: "It shall be lawful for a City of the First Class to annex the territory of a smaller city or town. But the city thus annexing the territory of another shall be bound for all the debts and liabilities, and shall be the owner of all corporate property, franchises and rights of such municipal corporation: Provided, that if only a portion of the territory of any city or town shall be annexed, the amounts of the existing debts and liabilities which such city shall be bound for shall be in proportion as the value of the property so annexed bears to the value of all property of the city or town from which such territory is taken, as shown by the last preceding assessment of the assessor of such city or town.

§ 2. Whenever it is deemed desirable to annex any municipality of the second, third, fourth, fifth or sixth class or any part of such municipality to the City of the First Class, the Legislative Body of the City desiring such annexation shall "pass an ordinance designating the city proposed to be annexed, or defining accurately the part proposed to be annexed if it be a part, declaring it to be desirable to annex such city or part thereof, and providing that the question of whether or not such city, or part thereof, designated in the ordinance, shall be annexed, shall be submitted to the qualified

voters of such City, if it be proposed to annex such City as a whole, or if only a part of such City is proposed to be annexed by said ordinance, that the question shall be submitted to the qualified voters residing in such part of said city proposed to be annexed, at the next regular election to be held therein, if such next regular election shall not be held within sixty days after the passage of such ordinance.

The mayor of the City proposing to annex shall deliver a certified copy of such ordinance or resolution to the County Clerk of the County, who shall, if it be proposed to annex the whole of said City, on the ballots provided for use in the City proposed to be annexed, have printed thereon the question: 'Are you in favor of annexing the City of?' filling the blank with the name of the City proposing to annex, and opposite said question he shall print 'Yes' and 'No' with the proper squares for stamping the cross mark to indicate preference. If it be proposed to annex only part of said City, then the Clerk shall have said question printed on the ballots provided for use in each precinct embraced within that part of the City proposed to be annexed, and on the ballots of each precinct of which that part of the City proposed to be annexed constitutes a part. If only a part of any precinct is embraced within that part of the City proposed to be annexed the Clerk of the election shall upon all ballots of persons voting who reside in the precinct, but not within that part of it proposed to be annexed, mark an 'X' with the black ink stencil in the squares opposite both the words 'yes' and 'no' before delivering the ballots to such voters to be used by them so that they may not vote upon the question. The Clerk shall cause to be delivered by the Sheriff to the officers of election in each precinct a copy of said ordinance proposing to annex.

If one-half or more of those voting on the proposition shall vote in favor of annexing, then the City proposing to annex shall pass an ordinance declaring such smaller city or part thereof, as the case may be, annexed, and such smaller

city or part thereof shall therefrom become a part of the annexing city.”

§ 3. If a proposal to annex a smaller city or part thereof be defeated or rejected after it is submitted to the qualified voters of such smaller city, such ordinance proposing annexation shall become ineffectual for any purpose thereafter, and no further effort to annex such smaller city or portion thereof shall be made, nor shall such question of annexation be again submitted within five years from such rejection.

Senator Attkisson offered the following amendment to said bill, viz:

Amend H. B. No. 307 on page 2, section 2, line 19 by striking therefrom the entire line 19, beginning with the word “thereon” and ending with the word “of.....?” and in lieu thereof, insert the following:

“thereon the question: ‘Are you in favor of being annexed to the City of.....?’ ”

Said amendment was agreed to.

Senator Attkisson moved the Previous Question.

Whereupon, the President of the Senate announced, “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered that said bill be read the third time.

Whereupon, the Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	John A. Sugg, Jr.
Aubrey Barbour	Leo King	Jos. P. Tackett
Paul M. Basham	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	B. M. Williams
Ralph Gilbert	Ira W. See	J. E. Wise
John M. Hall	Paul L. Sidebottom	—29

Those who voted in the negative were—

H. Stanley Blake	Waller A. Crockett	—2
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Resolved that the title thereof be as aforesaid.

Senator Attkisson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 357. An Act to amend Section 4, Article VI of Chapter 22 of the Acts of the General Assembly of 1906, being Section 4108 of Baldwin's 1936 Edition of Carroll's Kentucky Statutes, by providing for the ad valorem taxation of distilled spirits by counties, cities and school districts and providing for a special rate of taxation on such spirits in cities

of the first class. Permitting of a referendum and fixing the methods hereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4 of Article VI of Chapter 22 of the Acts of the General Assembly of 1906, being Section 4108 of Baldwin's 1936 Edition of Carroll's Kentucky Statutes, be and the same is hereby amended to read as follows:

"§ 4108. Values Certified to Auditor and Clerk.—Immediately after finally fixing such values, the board shall certify to the auditor of public accounts the value of the spirits as assessed for state tax; and said officer shall certify to the said county clerk of the respective counties, the amount liable for county, city, town or district taxation, and the date, when the bonded period will expire on such spirits. The report shall be by the county clerk filed in his office, and by him certified to the proper collecting officer of the county, city, town or taxing district for collections.

"Said spirits, in addition to the tax thereon for state purposes, shall be taxed for county purposes, school purposes and town and city purposes at the prevailing rates of taxation on tangible personal property in the respective counties, school districts, towns and cities in which such spirits are warehoused or stored; provided, however, that the combined rate of taxation for city purposes and school purposes in cities of the first class shall not exceed one dollar and twenty five cents (\$1.25) on each one hundred dollars (\$100.00) of assessed value of such spirits."

In event a referendum is desired upon this Act, then such referendum shall be conducted in all things in the manner provided in Chapter eight of the Acts of the General Assembly of One Thousand Nine Hundred and Seventeen.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of
 said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill
 in accordance with the provision of the Constitution were as
 follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leo King	Jos. P. Tackett
Aubrey Barbour	J. W. McDonald	J. E. Trager
Leer Buckley	Stanley B. Mayer	Ervine Turner
Lee Gibson	Strother Melton	Thomas O. Turner
John M. Hall	E. C. Moore	Otis White
J. Joseph Hettinger	Ira W. See	B. M. Williams
H. Watt Hillman	Paul L. Sidebottom	J. E. Wise

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Those who voted in the negative were—

Ollie J. Bowen	Waller A. Crockett	Wm. H. Jones, Jr.
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—3

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill
 was passed be reconsidered and that said motion lie on the
 table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 252. An Act to be known and designated as the Roger Wells Act, changing the name of Glasgow Junction, Barren County, Kentucky, to the name of Park City, Barren County, Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the name of the town of Glasgow Junction, Barren County, Kentucky, be and the same is now hereby changed to that of Park City, Barren County, Kentucky.

Senator Attkisson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson Aubrey Barbour H. Stanley Blake

Leer Buckley	Leo King	John A. Sugg, Jr.
Dr. D. H. Bush	J. W. McDonald	Jos. P. Tackett
Waller A. Crockett	Stanley B. Mayer	J. E. Trager
Edwin C. Dawson	Strother Melton	Ervine Turner
Lee Gibson	E. C. Moore	Thomas O. Turner
Ralph Gilbert	J. Lee Moore	E. T. Wesley
John M. Hall	Dr. R. C. Moss	Otis White
J. Joseph Hettinger	Ray B. Moss	O. C. Whitfield
H. Watt Hillman	Ira W. See	B. M. Williams
Wm. H. Jones, Jr.	Paul L. Sidebottom	J. E. Wise

—33

Resolved that the title thereof be as aforesaid—

Senator Attkisson moved that the vote by which said bill was passed be reconsidered and that said motion lie on table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 292. An Act to amend and re-enact Section 2740, Kentucky Statutes, 1936 Edition, also Chapter 71 of the Acts of the General Assembly of Kentucky of 1936, relating to the classification of cities.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section Two Thousand Seven Hundred and Forty (2740), Kentucky Statutes, Carroll's Official One Thousand Nine Hundred and Thirty Six (1936) Edition, and Chapter 71 of the Acts of the General Assembly of 1936 and the same is hereby amended and re-enacted by adding to the names of municipalities of the Fifth Class Immediately fol-

lowing the words "Park Hills, Kenton County", the words "Southgate, Campbell County; Evarts, Harlan County; Benton, Marshall County," so that when so amended and re-enacted said section shall read as follows:

First Class: Louisville, Jefferson County.

Second Class: Lexington, Fayette County; Covington, Kenton County; Newport, Campbell County; Paducah, McCracken County; Ashland, Boyd County.

Third Class: Owensboro, Daviess County; Henderson, Henderson County; Frankfort, Franklin County; Bowling Green, Warren County; Middlesboro, Bell County; Hopkinsville, Christian County; Maysville, Mason County; Corbin, Whitley County and Knox County.

Fourth Class: Shelbyville, Shelby County; Richmond, Madison County; Winchester, Clark County; Dayton, Campbell County; Paris, Bourbon County; Catlettsburg, Boyd County; Danville, Boyle County; Mt. Sterling, Montgomery County; Georgetown, Scott County; Versailles, Woodford County; Harrodsburg, Mercer County; Bellevue, Campbell County; Cynthiana, Harrison County; Mayfield, Graves County; Lebanon, Marion County; Ludlow, Kenton County; Nicholasville, Jessamine County; Pineville, Bell County; Madisonville, Hopkins County; Princeton, Caldwell County; Fulton, Fulton County; Lawrenceburg, Anderson County; Russellville, Logan County; Carrollton, Carroll County; Central City, Muhlenburg County; Franklin, Simpson County; Barbourville, Knox County; Providence, Webster County; Morganfield, Union County; Pikeville, Pike County; Somerset, Pulaski County; Murray, Calloway County; Jackson, Breathitt County; Elizabethtown, Hardin County; Hazard, Perry County; Hickman, Fulton County; Scottsville, Allen County; Earlington, Hopkins County; Olive Hill, Carter County; Irvine, Estill County; Marion, Crittenden County; Fort Thomas, Campbell County; Russell, Greenup County; Harlan, Harlan County; Paintsville, Johnson County; Sturgis, Union County; Prestonsburg, Floyd County; Greenville, Muhlenberg County.

Fifth Class: Lancaster, Garrard County; Cadiz, Trigg County; Grand Rivers, Livingston County; Columbus, Hickman County; Glasgow, Barren County; Cloverport, Breckinridge County; Bardstown, Nelson County; Augusta, Bracken County; Sanford, Lincoln County; Williamsburg, Whitley County; Clinton, Hickman County; Midway, Woodford County; Flemingsburg, Fleming County; Vanceburg, Lewis County; Elkton, Todd County; Falmouth, Pendleton County; Carlisle, Nicholas County; Uniontown, Union County; Campbellsville, Taylor County; Hawesville, Hancock County; Eminence, Henry County; Eddyville, Lyon County; Leitchfield, Grayson County; Owingsville, Bath County; Sebree, Webster County; Clay, Webster County; Wickliffe, Ballard County; Morehead, Rowan County; Bardwell, Carlisle County; Dawson Springs, Hopkins County; Millersburg, Bourbon County; Calhoun, McLean County; Springfield, Washington County; Corydon, Henderson County; Hartford, Ohio County; Norton's Gap, Hopkins County; Livermore, McLean County; Beattyville, Lee County; Owenton, Owen County; Burnside, Pulaski County; Warsaw, Gallatin County; Monticello, Wayne County; Berea, Madison, County; La Grange, Oldham County; Tompkinsville, Monroe County; Hellier, Pike County; Perryville, Boyle County; Wilmore, Jessamine County; Greenup, Greenup County; Horse Cave, Hart County; Brooksville, Bracken County; Whitesburg, Letcher County; Columbia, Adair County; Elkton City, Pike County; Manchester, Clay County; Beaver Dam, Ohio County; Ravenna, Estill County; Louisa, Lawrence County; Burkesville, Cumberland County; London, Laurel County; Cumberland, Harlan County; Grayson, Carter County; Neon, Letcher County; Raceland, Greenup County; Williamstown, Grant County; Salyersville, Magoffin County; Nortonville, Hopkins County; Park Hills, Kenton County; Southgate, Campbell County; Evarts, Harlan County; Benton, Marshall County.

§ 2. Whereas, it is necessary for the assigned cities mentioned herein to make its tax levy for this year under the

charter of the town to which it has been assigned, an emergency is hereby declared to exist, and this Act shall take effect and be in full force and effect from and after its passage, and approval by the Governor.

All Acts, or parts of Acts, inconsistent herewith are hereby repealed.

Senator Barbour moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Paul L. Sidebottom
Aubrey Barbour	J. Joseph Hettinger	John A. Sugg, Jr.
Paul M. Basham	H. Watt Hillman	Jos. P. Tackett
H. Stanley Blake	Leo King	J. E. Trager
Ollie J. Bowen	J. W. McDonald	Ervine Turner
Leer Buckley	Strother Melton	Thomas O. Turner
Dr. D. H. Bush	E. C. Moore	E. T. Wesley
Waller A. Crockett	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	B. M. Williams
Ralph Gilbert	Ira W. See	J. E. Wise

Resolved that the title thereof be as aforesaid—

Senator Barbour moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 67. Resolution authorizing Oscar Garrison to sue the Commonwealth of Kentucky and the State Highway Department or either.

Said resolution is as follows, viz:

WHEREAS, in the year of..... (19.....) when the State Highway Patrol was stationed at Manchester in Clay County, Kentucky, discharging official duties and in charge of duly constituted state officers, and,

WHEREAS, said State officers purchased of Oscar Garrison, oils, gasoline and accessories for use in the discharge of the official duties of said State Highway Patrol and which were used upon the motor vehicles belonging to the Commonwealth of Kentucky and for which oils, gasoline and accessories the said Oscar Garrison has never been paid and which sum is rightfully due him.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Oscar Garrison be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Department, or either, in the Quarterly or Circuit Court of the county of his residence for the sum of One Hundred and Six Dollars and Sixty Cents (\$106.60) due him

for oil, gasoline and accessories purchased from him by the State Highway Patrol and its duly constituted officers when said Highway Patrol was located in Manchester, Clay County, Kentucky, in the year of (19.....).

§ 2. Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	Dr. D. H. Bush	J. Joseph Hettinger
Aubrey Barbour	Waller A. Crockett	H. Watt Hillman
Paul M. Basham	Edwin C. Dawson	Leo King
H. Stanley Blake	Lee Gibson	J. W. McDonald
Ollie J. Bowen	Ralph Gilbert	Stanley B. Mayer
Leer Buckley	John M. Hall	Strother Melton

E. C. Moore	Jos. P. Tackett	O. C. Whitfield
J. Lee Moore	J. E. Trager	B. M. Williams
Dr. R. C. Moss	Ervine Turner	J. E. Wise
Ray B. Moss	E. T. Wesley	
Ira W. See	Otis White	

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Resolved that the title thereof be as aforesaid—

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 63. Resolution authorizing Robert Jameson, of Beattyville, Kentucky, for himself and Robert Jameson, Earl Jameson and Hazel J. Sexton, administrators and administratrix of the estate of Thomas Jameson, deceased, to institute suit against the Commonwealth of Kentucky and the State Division of Armories, as successor to the Armory Commission of the Commonwealth of Kentucky, or either.

Said resolution is as follows, viz:

WHEREAS, pursuant to the terms of a lease between Robert and Thomas Jameson, parties of the first part, and the Armory Commission of the Commonwealth of Kentucky, party of the second part, covering a frame building located on Lumber Street, Beattyville, Kentucky, said lease was terminated December 29, 1931 by giving sixty days notice; and,

WHEREAS, it is alleged that said Armory Commission continued to occupy said premises until April 1, 1932, and it is alleged that rentals were never paid for the last three months of such occupancy and that said rentals, in the sum of three hundred dollars (\$300.00), are still due and unpaid.

Be it resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Robert Jameson, of Beattyville, Kentucky,

for himself, and Robert Jameson, Earl Jameson and Hazel J. Sexton, administrators and administratrix of the estate of Thomas Jameson, deceased, be and are hereby empowered and authorized to file suit against the Commonwealth of Kentucky and the State Division of Armories, as successor to the Armory Commission of the Commonwealth of Kentucky, or either, for such rentals on said building as are due and unpaid; and in event any judgment is recovered by Robert Jameson for himself or the administrators of the estate of Thomas Jameson, or said claim is compromised and settled, the judgment or amount agreed on in compromise, if any, shall be paid out of the general fund and the Auditor of Public Accounts is hereby authorized to issue warrant or warrants for same drawn on the State Treasurer.

Said action may be brought in any Circuit Court of Commonwealth of Kentucky which has jurisdiction of the parties and subject matter, provided that any such action shall be instituted within one year from the date this resolution becomes effective.

§ 3. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same way as any other civil case.

§ 4. The limit of recovery in any action instituted under this resolution shall be three hundred dollars (\$300.00).

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 53. A Resolution authorizing Fred Henry Lewis,

an infant, by his statutory guardian or next friend, to sue the Department of Highways of the Commonwealth of Kentucky, and the Commonwealth of Kentucky, or either or both of them, for damages resulting to him from the explosion of a dynamite cap; and providing for payment of the judgment, if any judgment be obtained.

Said resolution is as follows, viz:

WHEREAS, in March, 1935, the State Highway Commission was engaged in road construction in certain counties in Eastern Kentucky, including Elliott County, Kentucky, and in the course of said road construction it maintained a garage, warehouse and store room in Belle City, Kentucky; and,

WHEREAS, it kept, used and maintained quantities of dynamite which were exploded by dynamite caps; and,

WEREAS, it is alleged that it negligently placed or left on the outside of said garage building and near the street in Belle City, a large number of dynamite caps, where they were easily accessible and attractive to children; and,

WHEREAS, the said Fred Henry Lewis, an infant, nine years of age, in company with other small children, came in contact with said dynamite caps, which had been so left on or near said street, and through curiosity was handling some of said dynamite caps, not knowing what they were or that they were dangerous, and without such knowledge one of said caps exploded with such force and violence that it injured one of his hands and severely injured his right eye, so much so that he is unable to see or use same, and has affected his left eye until he is about to lose the sight of both eyes and unable to attend school; and,

WHEREAS, his parents are in humble circumstances and unable to properly treat or care for or educate said child; and,

WHEREAS, he has sustained these serious and permanent injuries through the alleged carelessness of the em-

ployees of the State Highway Commission in the conduct of the State's business; therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky: that

Fred Henry Lewis, an infant, of Sandy Hook, Kentucky, be and he hereby is authorized, empowered and permitted, by his statutory guardian or next friend, to sue the Department of Highways (formerly State Highway Commission) of the Commonwealth of Kentucky, and the Commonwealth of Kentucky, or either or both of them, in the Elliott Circuit Court for such damages as he may have sustained, if any, by reason of the explosion of the dynamite cap, which allegedly exploded and injured the said Fred Henry Lewis on or about the month of March, 1935. In such suit plaintiff will be permitted to show all of the facts and circumstances as to whether or not the employees or any employee of the State Highway Commission of Kentucky were negligent in the handling, transporting or storing of dynamite caps, and if the jury shall decide that there was such negligence on the part of any employee of said State Highway Commission and that as a direct and proximate result thereof that said Fred Henry Lewis received his injuries, then he may recover from the Commonwealth of Kentucky or the Department of Highways such sum as will fairly and reasonably compensate him for the injuries and damages so sustained by him. In the event the plaintiff obtains a judgment, the amount thereof shall be paid out of the State Road Fund in the same manner as other valid debts and obligations of the Department of Highways are paid. The Department of Highways, with the approval of the Attorney General, may compromise and settle said claim either before or after the filing of suit on such terms as may be agreed.

Either party shall have the right of appeal from any judgment of the Circuit Court as in any other civil case.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced,
“Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of
said resolution at length being dispensed with

Said resolution was read the third time by its title and
passed.

The yeas and nays being taken on the passage of said
resolution in accordance with the provision of the Constitution
were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said reso-
lution was passed be reconsidered and that said motion lie on
the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 23. Whereas, Kentucky is one of the great agricultural states of the Union, and the growing of tobacco is one of the major occupations of its people, and any injury to said occupation is calculated to strike at the very vitals of the economic life of the state.

Said resolution is as follows, viz:

WHEREAS, Kentucky is one of the great agricultural states of the Union, and the growing of tobacco is one of the major occupations of its people, and any injury to said occupation is calculated to strike at the very vitals of the economic life of the state and,

WHEREAS, there has existed for the past several weeks, and there exists now, a wide spread and general feeling of alarm and despair by the tobacco growers and the general public, because of the extremely low prices being paid for tobacco on the markets of the state, and

WHEREAS, during the past week the greater portion of the tobacco sold on such markets has been sold at a below-production-costs, and

WHEREAS, such aforementioned conditions has and is causing a serious economic impairment of the various communities of our state, thereby bringing deprivation and misery and despair to the peoples of our state, and

WHEREAS, the said conditions in the tobacco growing districts in Kentucky have become so acute and desperate as to warrant serious consideration and swift action, and

WHEREAS, the Kentucky General Assembly, in special session, passed a tobacco compact bill, thus proving its sincerity in a desire for an effective tobacco control program, even though this effort prove unsuccessful because of the failure to secure similar and coordinated action from the several

tobacco growing states, thus exhausting state action and making federal action essential; therefore

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concerning therein:

§ 1. That the aforementioned facts and conditions be brought to the attention of the Congress of the United States, and hereby memorialize said body to speedily enact effective tobacco control legislation that will insure parity prices to tobacco growers.

§ 2. Be it further resolved, that a copy of this resolution, signed by the Governor, the Speaker of the House and President of the Senate, attested by the Clerk of each be mailed to the President of the United States, and the respective members of the Congress of the United States.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution passed be reconsidered and that said motion line on table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 22. Resolution authorizing Fannie B. Anderson to sue the Commonwealth of Kentucky and the State Highway Commission.

Said resolution is as follows, viz:

WHEREAS, on the 12th day of August, 1937, at or about the hour of 9:45 A. M., about two miles northwest of Shelbyville, Kentucky, on the public highway between Shelbyville and Louisville, Kentucky, in a collision between a truck owned by the State of Kentucky, then being operated, managed, and controlled and used by an employee of the State Highway

Commission of the Commonwealth of Kentucky in the performance of his duties on the State Highway between Louisville and Shelbyville, and an automobile owned and operated by Sam Etherly in which Fannie B. Anderson was traveling as a passenger, Fannie B. Anderson was injured, and

WHEREAS, Fannie B. Anderson sustained serious and permanent injuries by reason of alleged carelessness and negligence of the employe'es of the State Highway Commission in the conduct of the business of the State of Kentucky.

Now in order that Fannie B. Anderson may have her "Day in Court" to determine by judicial action the question of negligence, if any, of the employees of the State Highway Commission of the State of Kentucky, causing said injuries aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Fannie B. Anderson, in her own right name, be and she is hereby empowered and authorized to file and prosecute appropriate actions, against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such injuries, if any there be; and in the event any judgment in either action is recovered by said Fannie B. Anderson, or same are compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other Civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

§ 3. Said actions may be brought in any county of Kentucky having jurisdiction of the parties and subject matter.

The limit of liability as to Fannie B. Anderson shall be Six Thousand (\$6000.00) Dollars.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 21. Resolution authorizing Sallie B. Jones to sue the Commonwealth of Kentucky and the State Highway Commission.

Said resolution is as follows, viz:

WHEREAS, on the 12th day of August, 1937, at or about the hour of 9:45 A. M., about two miles northwest of Shelbyville, Kentucky, on the public highway between Shelbyville and Louisville, Kentucky in a collision between a truck owned by the State of Kentucky, then being operated, managed and controlled and used by an employee of the State Highway Commission of the Commonwealth of Kentucky in the performance of his duties on the State Highway between Louisville and Shelbyville, and an automobile owned and operated by Sam Etherly in which Sallie B. Jones was traveling as a passenger, Sallie B. Jones was injured, and

WHEREAS, Sallie B. Jones sustained serious and permanent injuries by reason of alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the business of the State of Kentucky.

NOW, in order that Sallie B. Jones may have her "Day in Court" to determine by judicial action the question of negligence, if any, of the employees of the State Highway Commission of the State of Kentucky, causing said injuries aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sallie B. Jones, in her own right and name, be and she is hereby empowered and authorized to file and prosecute appropriate actions against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky, and the State Highway Commission, or either, for such injuries, if any there be; and in the event any judgment in either action is recovered by said Sallie B. Jones, or same are compromised or settled, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

§ 3. Said actions may be brought in any county of Kentucky having jurisdiction of the parties and subject matter. The limit of liability as to Sallie B. Jones shall be Six Thousand (\$6000.00) Dollars.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 20. Resolution authorizing Ada Hathaway to sue the Commonwealth of Kentucky and the State Highway Commission.

Said resolution is as follows, viz:

WHEREAS, on the 12th day of August, 1937, at or about

the hour of 9:45 A. M., about two miles northwest of Shelbyville, Kentucky, on the public highway between Shelbyville and Louisville, Kentucky, in a collision between a truck owned by the State of Kentucky, then being operated, managed, and controlled and used by an employee of the State Highway Commission of the Commonwealth of Kentucky in the performance of his duties on the State Highway between Louisville and Shelbyville, and an automobile owned and operated by Sam Etherly, in which Ada Hathaway was traveling as a passenger, Ada Hathaway was injured, and

WHEREAS, Ada Hathaway sustained serious and permanent injuries by reason of alleged carelessness and negligence of the employees of the State Highway Commission in the conduct of the business of the State of Kentucky.

Now, in order that Ada Hathaway may have her "Day in Court" to determine by judicial action the question of negligence, if any, of the employees of the State Highway Commission of the State of Kentucky, causing said injuries aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Ada Hathaway, in her own right and name, be and she is hereby empowered and authorized to file and prosecute appropriate actions against the Commonwealth of Kentucky and the State Highway Commission, or either for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such injuries, if any there be; and in the event any judgment in either action is recovered by said Ada Hathaway, or same are compromised or settled, same shall be paid by the Auditor of Public Accounts by warrants drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other Civil suit and the case may be settled and adjusted with the consent

and approval of the Attorney General of Kentucky in the same way as any other civil case.

§ 3. Said actions may be brought in any county of Kentucky having jurisdiction of the parties and subject matter. The limit of liability as to Ada Hathaway shall be Six Thousand (\$6000.00) Dollars.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Lee Gibson	E. C. Moore
Aubrey Barbour	Ralph Gilbert	J. Lee Moore
Paul M. Basham	John M. Hall	Dr. R. C. Moss
H. Stanley Blake	J. Joseph Hettinger	Ray B. Moss
Ollie J. Bowen	H. Watt Hillman	Ira W. See
Leer Buckley	Leo King	Jos. P. Tackett
Dr. D. H. Bush	J. W. McDonald	J. E. Trager
Waller A. Crockett	Stanley B. Mayer	Ervine Turner
Edwin C. Dawson	Strother Melton	E. T. Wesley

Otis White

B. M. Williams

J. E. Wise

O. C. Whitfield

-31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 54. Resolution authorizing Oscar Haight, Jr., administrator of the estate of Archie P. Haight, deceased, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

Said resolution is as follows, viz:

WHEREAS, on the 27th day of August, 1937, Archie P. Haight, of Portsmouth, Scioto County, Ohio, was killed while driving an automobile over the Vanceburg-Greenup road in Lewis County, Kentucky, at a point near the Kinney Bridge and between Quincy and Garrison, and

WHEREAS, said road and the mentioned bridge had been taken over by the State Highway Commission of the State of Kentucky, and said road and bridge was under the control of said State Highway Commission, and

WHEREAS, is it contended by the said administrator of said decedent that the State Highway Commission had so negligently permitted the fill upon which ran said road to wash away and become softened and narrowed and sunken that it caused said car in which said decedent was riding to turn over said fill and thereby instantly kill said decedent, and

WHEREAS, Oscar Haight, Jr., is the duly qualified personal representative of the estate of said Archie P. Haight, deceased,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Oscar Haight, Jr., administrator of the estate of Archie P. Haight, deceased, be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and/or the State Highway Commission of Kentucky in the Circuit Court of Lewis County, Kentucky, for such damages as he suffered by reason of the death of said Archie P. Haight as aforesaid. Said suit shall be for any amount not exceeding Fifteen Thousand Dollars, and in the event any judgment is recovered by said Oscar Haight, Jr., administrator, in said suit for the death of the said Archie P. Haight, or same is compromised or settled same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the general fund.

§ 2. Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil suit.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 62. A Resolution authorizing Lillie Hopkins as Administratrix and personal representative of the estate of J. M. Hopkins to sue the Commonwealth.

Said resolution is as follows, viz:

WHEREAS, on or about the 31st day of March, 1935, the State of Kentucky, owned and maintained a highway on Martins Fork in Harlan County, Kentucky, and permitted and allowed a decayed tree to stand on an embankment on the right-of-way near the highway near Grays Knob, Kentucky, and in close proximity to the State Highway, and

WHEREAS, while the deceased, J. M. Hopkins, was operating his automobile on the 31st day of March on said State Highway in the night time, the said decayed tree fell across the highway and onto decedent and his car, causing his instant death and the destruction of the automobile,

Now, Therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Lillie Hopkins as administratrix and personal representative of the estate of J. M. Hopkins, deceased, is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission in the Circuit Court of Harlan County, Kentucky, for such damages as his estate may have sustained, if any, by reason of his death and damage to his automobile. No recovery shall be for a greater sum than Ninety-five hundred dollars (\$9500.00) for the death of the said J. M. Hopkins and Five hundred dollars (\$500.00) for damage to the car. The Attorney General is authorized to investigate and compromise said suit, if deemed advisable by him. Any judgment or compromise shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the General Fund to Lillie Hopkins as administratrix and personal representative.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were —

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 59. A Resolution authorizing J. B. Westerfield to sue the Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, either or both; validating supplemental contract between J. B. Westerfield and the Commonwealth of Kentucky; and authorizing payment of the claim of J. B. Westerfield out of the State Road Fund.

Said resolution is as follows, viz:

WHEREAS, on or about the 18th day of September, 1935, the State Highway Commission of Kentucky entered into a written contract with J. B. Westerfield, whereby the said J. B. Westerfield in consideration of the payments therein provided agreed to furnish all labor, materials and supplies and perform all work for the grade and drain of a certain road project in Warren County, Kentucky, designated as Warren County S. P. No. 423-AG, the Rockfield-Richpond Road, a distance of approximately 3.688 miles, at the estimated contract price of \$11,953.47; and,

WHEREAS, said contract and the required bond were duly and regularly made and entered into; and,

WHEREAS, before the completion of the work provided by said contract to be performed the Commonwealth of Kentucky, acting by and through the State Highway Commission of Kentucky, entered into a supplemental agreement in writing whereby the said J. B. Westerfield agreed to furnish all of the labor, materials and supplies and do all of the work required for the grading and draining of an extension of said road project a distance of approximately 0.967 miles, at the same unit prices as provided in the original contract, which additional work was estimated to cost \$2382.10; and,

WHEREAS, said State Highway Commission of Kentucky, by order entered on its Minutes of November 12, 1935, authorized the Chairman of said Commission to sign and enter into said supplemental agreement; and,

WHEREAS, the said J. B. Westerfield fully and com-

pletely performed all of the terms, covenants and conditions of said supplemental agreement on his part to be performed in full and strict conformity with the terms of said contract and the plans and specifications relating thereto; and,

WHEREAS, said J. B. Westerfield furnished all of the necessary labor, materials and supplies and performed all of the work provided to be performed by him in the original and supplemental contracts to the full and complete satisfaction of the Highway Commission and the engineers of said Commission; and,

WHEREAS, said highway and the work done by the said J. B. Westerfield under the terms of the original and supplemental contracts was officially accepted by the State Highway Commission for maintenance on or about February 11, 1936; and,

WHEREAS, the Commonwealth of Kentucky has accepted and used and is now using and maintaining said highway and has received the full benefit of the labor, materials and supplies furnished and the work done by the said J. B. Westerfield; and,

WHEREAS, according to the terms and provisions of said supplemental contract the Commonwealth of Kentucky agreed to pay said J. B. Westerfield for the labor, materials, supplies and work furnished and done by him the sum of \$2,433.12, which according to the terms of said supplemental contract was due and payable February 1, 1936; and,

WHEREAS, said claim has not been paid because of some question having been raised as to whether or not said supplemental contract was valid because of not having been awarded and entered into pursuant to advertisement for bids on the work expressly provided for and covered in the supplemental contract; and,

WHEREAS, the Commonwealth of Kentucky has received full value therefor and the claim of said J. B. Westerfield is just;

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky; that

§ 1. The consent of the General Assembly of the Commonwealth of Kentucky hereby is given to said J. B. Westerfield to sue the Department of Highways and the Commonwealth of Kentucky or either of them, in the Franklin Circuit Court, to recover the amount due him under the terms of said supplemental contract; namely, \$2433.12, with interest thereon at the rate of 6% per annum from February 1, 1936 until paid.

The Department of Highways, with the approval of the Attorney General, hereby is authorized to compromise or pay said claim either before or after the filing of suit, the payment, if any, to be made out of the State Road Fund in the same manner as other valid obligations of the Department of Highways are paid.

§ 2. Said supplemental contract between the Commonwealth of Kentucky, acting by and through its agent, the State Highway Commission of Kentucky, and the said J. B. Westerfield, dated November 19, 1935, hereby is validated, ratified, confirmed and approved; and all of the acts of the State Highway Commission and the Chairman of the State Highway Commission in executing said contract and in the acceptance of the labor, materials and supplies furnished and the work done by the said J. B. Westerfield pursuant to the terms of said supplemental agreement, hereby are validated, ratified, confirmed and approved.

§ 3. If judgment be obtained by the said J. B. Westerfield, or if his claim be approved for payment by the Department of Highways and the Attorney General of Kentucky, said judgment or said claim shall be paid out of the State Road Fund in the same manner as other valid obligations of the Department of Highways are paid.

§ 4. If suit be filed and judgment entered in the Franklin Circuit Court, either party may appeal to the Court of Appeals as in any other civil case.

§ 5. Whereas said J. B. Westerfield is engaged principally in the construction of highways in Kentucky under contracts with the Department of Highways; and, whereas he is a man of very limited means and is badly in need of the money earned by him under the supplemental contract aforesaid; and whereas the Commonwealth of Kentucky has had the benefits of the labor, materials and supplies furnished and work done by the said J. B. Westerfield under the terms of said supplemental contract for approximately one year; and, whereas justice and fairness require that said claim be promptly paid to the said J. B. Westerfield; an emergency hereby is declared to exist and this resolution shall be immediately effective upon its passage and approval by the Governor.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson Aubrey Barbour Paul M. Basham

H. Stanley Blake	H. Watt Hillman	Jos. P. Tackett
Ollie J. Bowen	Leo King	J. E. Trager
Leer Buckley	J. W. McDonald	Ervine Turner
Dr. D. H. Bush	Stanley B. Mayer	E. T. Wesley
Waller A. Crockett	Strother Melton	Otis White
Edwin C. Dawson	E. C. Moore	O. C. Whitfield
Lee Gibson	J. Lee Moore	B. M. Williams
Ralph Gilbert	Dr. R. C. Moss	J. E. Wise
John M. Hall	Ray B. Moss	
J. Joseph Hettinger	Ira W. See	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 71. Resolution authorizing E. E. Sandefur of Henderson, Kentucky, to file suit against the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution is as follows, viz:

WHEREAS, on October 14th, 1936, Lee Allen Hatchett, an employee of the State Highway Commission was driving a patrol grader, belonging to said Commission along First Street in Henderson, Kentucky, and while so driving he lost control of said grader because of a broken radius rod; and,

WHEREAS, before said patrol grader could be stopped it ran into a car belonging to E. E. Sandefur of 514 Letcher Street, Henderson, Kentucky, which was parked against or near the curb on the north side of First Street between Green

and Ingram Streets, pushing said car into another car and doing considerable damage to said car,

NOW, in order that the question of the responsibility of the Commonwealth of Kentucky or the State Highway Commission, or either, for said damages, may be determined by judicial action.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That E. E. Sandefur of Henderson, Kentucky, be, and is hereby authorized to file suit against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such damages arising from the above stated facts; and in the event any judgment is recovered by said E. E. Sandefur or the case is compromised and settled, the judgment or amount agreed on in compromise, if any, shall be paid out of the general fund and the State Auditor of Public Accounts is hereby hereby authorized to issue warrant drawn on the State Treasurer for said judgment or amount.

§ 2. Such action may be brought in any county having jurisdiction of the parties and subject matter, provided that any such action shall be instituted within one year from the date this resolution becomes effective.

§ 3. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent of the Attorney General of Kentucky, in the same way as any other civil case

§ 4. The limit of recovery in any such suit brought by E. E. Sandefur shall be one hundred twenty dollars and twenty-five cents (\$120.25).

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of
 said resolution at length being dispensed with

Said resolution was read the third time by its title and
 passed.

The yeas and nays being taken on the passage of said
 resolution in accordance with the provision of the Constitution
 were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

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Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said
 resolution was passed be reconsidered and that said motion
 lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 73. Resolution authorizing Leo Caproni of Maysville, Kentucky, to sue the Department of Highways of the Commonwealth of Kentucky and the Commonwealth of Kentucky, or either or both of them, for damages, and providing for payment of the judgment if any judgment is obtained.

Said resolution is as follows, viz.:

WHEREAS, on or about October 31, 1933, a truck owned and operated by the State Highway Commission of Kentucky (now Department of Highways of the Commonwealth of Kentucky) collided with a truck owned by Leo Caproni, on a public highway near Vanceburg, Lewis County, Kentucky, and

WHEREAS, the said Leo Caproni claims that the driver of the truck owned by him with without fault or negligence in said collision and that the accident was the result of the gross carelessness and negligence of the driver of the truck owned and operated by the State Highway Commission of Kentucky, and

WHEREAS, the said Leo Caproni claims that as the direct and proximate result of said accident and collision he sustained damages to his truck and to merchandise or property carried upon said truck in the amount of approximately \$1,000.00, and

WHEREAS, in the judgment of the General Assembly of the Commonwealth of Kentucky the said Leo Caproni should be permitted to maintain a suit against the Department of Highways of the Commonwealth of Kentucky and/or the Commonwealth of Kentucky, to recover said damages, if it be established that said accident and the resulting damages were

the direct and proximate result of the carelessness or negligence of the driver of the truck owned and operated by the State Highway Commission of Kentucky,

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Leo Caproni be and he hereby is authorized, empowered and permitted to sue the Department of Highways (formerly State Highway Commission) of the Commonwealth of Kentucky and the Commonwealth of Kentucky, or either or both of them, in the Lewis Circuit Court or in the Franklin Circuit Court, as he may elect, for such damages as he may have sustained, if any, by reason of the aforesaid accident and collision, and in such suit he shall be permitted to show all the facts and circumstances as to whether or not the employees or any employee of the State Highway Commission of Kentucky was negligent in the operation of said truck, and if the jury shall decide that there was negligence on the part of any such employee of said State Highway Commission and that as the direct and proximate result thereof said collision and the resulting damages occurred then the said Leo Caproni may recover from the Commonwealth of Kentucky and/or the Department of Highways of the Commonwealth of Kentucky, such sum as will fairly and reasonably compensate him for such damages, including court costs, the whole amount, however, not to exceed the sum of \$1,000.00. In the event a judgment is recovered in such suit by the said Leo Caproni the amount thereof shall be paid out of the State Road Fund in the same manner as other valid debts and obligations of the Department of Highways are paid. The Department of Highways, with the approval of the Attorney General, may compromise and settle said claim, either before or after the filing of suit, upon such terms as may be agreed.

The Department of Highways of the Commonwealth of Kentucky, the Commonwealth of Kentucky, and the said Leo

Caproni, or either of them, shall have the right of appeal from any judgment of the Circuit Court as in any other civil case.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 76. Resolution authorizing Mary Utley Brown, Administratrix of the estate of Thomas J. Brown, deceased, to sue the Commonwealth of Kentucky.

Said resolution is as follows, viz:

WHEREAS, on or about the twenty-third (23rd) day of January, one thousand nine hundred and thirty-seven (1937), Thomas J. Brown, who was then a Sergeant in the National Guard of the United States, while in the discharge of his duties as such and under command of his Superior Officer in connection with the rescuing and providing for refugees during the flood of that time, near Ashbysburg, Hopkins County, Kentucky, lost his life by drowning due, as it is claimed, to the defective condition of the boat in which he was riding, which filled with water and sank and, whereas, it is claimed that the boat furnished him was unseaworthy due to the neglect of the agents and employees of the Commonwealth furnishing said boat for said services which was the proximate cause of the death of said Brown, Therefore:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Mary Utley Brown, Administratrix of the estate of Thomas J. Brown, deceased, be, and she is hereby authorized and permitted to sue the Commonwealth of Kentucky, in the Hopkins Circuit Court, the County of the residence of said

administratrix, for damages for the loss of life of said decedent Thomas J. Brown. Said suit shall be for any amount not exceeding ten thousand (\$10,000) dollars, and in the event any judgment is recovered by said Mary Utley Brown, administratrix of Thomas J. Brown, deceased, in said suit for damages, or same is compromised or settled, said judgment shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the General Fund.

Every party in said suit may appeal from any judgment which may be entered therein as in any other civil suit, and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil action.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Paul M. Basham	Ollie J. Bowen
Aubrey Barbour	H. Stanley Blake	Leer Buckley

Dr. D. H. Bush	J. W. McDonald	J. E. Trager
Waller A. Crockett	Stanley B. Mayer	Ervine Turner
Edwin C. Dawson	Strother Melton	E. T. Wesley
Lee Gibson	E. C. Moore	Otis White
Ralph Gilbert	J. Lee Moore	O. C. Whitfield
John M. Hall	Dr. R. C. Moss	B. M. Williams
J. Joseph Hettinger	Ray B. Moss	J. E. Wise
H. Watt Hillman	Ira W. See	
Leo King	Jos. P. Tackett	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 65. A resolution authorizing George A. Caswell, 1038 Wetterau Avenue, Louisville, Kentucky, his personal representative, executor or administrator to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky, or either of them, and Statute of Limitation not to apply until and from the passage of this resolution.

Said resolution is as follows, viz:

WHEREAS, on the 12th day of January, 1938, the State Highway Commission of Kentucky was engaged in building, concrete paving, and approach to bridge on Highway 62 at or near the line between the Hopkins County and Muhlenberg County, Kentucky; and

WHEREAS, it is alleged that it negligently left an open excavation or unmade concrete at the approach of said bridge

on one side of driveway without any guards, lights, signs, or notices of its existence to the traveling public; and

WHEREAS, George A. Caswell, driving his automobile on said road across said bridge, ran into and fell into said excavation, unmade concrete, and incompleted approach to said bridge, turned over his car, seriously and permanently injuring himself thereby, about his head, body, limbs, and feet, and has suffered serious and great damage, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That George A. Caswell, 1038 Wetterau Avenue, Louisville, Kentucky, be and he is hereby authorized, empowered and permitted to sue the Commonwealth of Kentucky and the State Highway Commission of Kentucky or either of them, in the Jefferson, Hopkins, or Daviess Circuit Court for such damages as he may have sustained, if any, by reason of his having driven or fallen in the said excavation or incompleted approach to said bridge, caused by the negligence of the agents, servants or employees of the Commonwealth of Kentucky and/or the State Highway Commission, or either of them.

And in such suit he is permitted to show all the facts and circumstances as to whether or not, the employees or any employee of the Commonwealth of Kentucky or the State Highway Commission, were negligent with reference to said ditch or excavation or approach to said bridge or negligent in any manner whatsoever and/or in failing to properly notify the public traveling on said road of such ditch or excavation or any other negligence on the part of the Commonwealth of Kentucky, or the State Highway Commission, their agents, servants or employees; and if a jury shall decide that there was negligence on the part of any such employee or employees of the Commonwealth of Kentucky or the State Highway Commission, and that as a direct and proximate result thereof, the said George A. Caswell received his injuries, then he may re-

cover from the Commonwealth of Kentucky or the State Highway Commission, or both, sum or sums as will fairly and reasonably compensate him for the damages sustained not exceeding Ten Thousand Dollars (\$10,000.00).

In the event of the death of said George A. Caswell, the authority herein given is extended to his personal representative, executor or administrator, and the Statute of Limitation shall not be applicable until and from the passage of this resolution.

In the event a judgment is recovered by the said George A. Caswell, his personal representative, executor or administrator in said suit, as damages, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer.

The Commonwealth of Kentucky and the State Highway Commission, or either of them, and the said George A. Caswell, his personal representative, executor or administrator, shall have a right to appeal as in any other civil case. The recovery herein shall be limited to and not to exceed Ten Thousand Dollars (\$10,000.00).

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 51. Resolution authorizing Jewel Ferguson and Edna Ferguson, his wife, to file suit against the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz:

WHEREAS, a truck driver of the State Highway Commission, allegedly through his negligence, ran his truck into

an automobile owned by one Jewel Ferguson, of Tompkinsville, Kentucky in which Edna Ferguson, his wife was riding, injuring said automobile and inflicting severe personal injuries on Edna Ferguson.

NOW in order that they may determine their rights by judicial action and that the question of negligence, if any, causing such injuries may be determined by judicial action,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Jewel Ferguson and Edna Ferguson be and are hereby empowered and authorized to file suit against the Commonwealth of Kentucky and the State Highway Commission or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission or either, for such injuries and damage if there be any arising from the running of said truck into said automobile; and in the event any judgment in either action is recovered by said Jewel Ferguson and Edna Ferguson, or either of them, or same are compromised and settled, the judgments or amount agreed on in compromise, if any, shall be paid out of the general fund and the Auditor of Public Accounts is hereby authorized to issue warrant or warrants against the State Treasurer for said judgments or amount, if any.

§ 2. Said action may be brought in any county having jurisdiction of the parties and subject matter, provided that any such action shall be instituted within one year from the date this resolution becomes effective.

§ 3. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case.

§ 4. The limit of recovery for injuries to said automobile shall be seventy-five dollars (\$75.00) and the limit of recovery

for personal injuries to said Edna Ferguson shall be ten thousand dollars (\$10,000.00).

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	J. W. McDonald	Ervine Turner
Ollie J. Bowen	Leo King	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 81. Joint resolution authorizing George Luttrell and his wife Nora Luttrell to sue the Commonwealth of Kentucky, the Department of Highways both or either.

Said resolution is as follows, viz:

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky; the Senate concerning therein, that

WHEREAS, George Luttrell and Nora Luttrell, his wife, are owners of a tract of land in Edmonson County, Kentucky, claim that their property has been damaged by blasting done at the state quarry operated by the State Highway Commission in Edmonson County, and

BE IT RESOLVED THAT George Luttrell and his wife, Nora Luttrell are hereby authorized to enter suit in the Edmonson Circuit Court against the Commonwealth of Kentucky, its Department of Highways, both or either in the option of said claimants, both or either, as they want, for damages to their property from blasting as set out hereinabove and in the event a judgment is recovered the losing party may appeal to the Court of Appeals and in the event of a judgment in their favor or if said suit is settled or compromised same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasury out of the Highway Fund.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of
 said resolution at length being dispensed with

Said resolution was read the third time by its title and
 passed.

The yeas and nays being taken on the passage of said
 resolution in accordance with the provision of the Constitution
 were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said
 resolution was passed be reconsidered and that said motion
 lie on the table

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 69. Whereas, in January, February and March, 1937, Bruce Peters, while a private in Company F, 149th Infantry, was called for duty in Shelbyville, Shelby County, in Frankfort, Franklin County, was unduly and beyond the limits of human endurance, was negligently exposed to water, wind, cold and thereby contracted permanent ill health and diseases for which he is duly advised by his physician there is no recovery.

Said resolution is as follows, viz:

NOW, in order that said Bruce Peters may determine all his rights by and through the courts of justice caused as aforesaid,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky that:

§ 1. That Bruce Peters, a citizen and resident of Owsley County, Kentucky, be empowered and authorized to file suit against the Commonwealth of Kentucky for such damage if any there be arising from his negligence unusual exposure, causing him to be a permanent invalid and in event there is recovery or if same is compromised or settled a judgment or amount agreed on shall be paid by the Auditor of Public Accounts by a warrant on the State Treasurer and paid out of the general funds.

§ 2. Said action may be brought in any county having jurisdiction of the parties and the subject matter. Either party to any suit may appeal from any judgment that may be entered therein as in any other civil suit and the case may be settled and adjusted, with the consent and approval of the

Attorney General of Kentucky the same way as in any other civil case.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
Stanley H. Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 55. A resolution authorizing Harold Jernigan to sue the Commonwealth of Kentucky and/or the Kentucky Department of Highways.

Said resolution is as follows, viz:

WHEREAS, on or about December 17, 1936, the automobile of Harold Jernigan, of Lexington, Ky., was parked in a legitimate parking zone on a street designated as the route for United States Highway No. 68 in the city of Hopkinsville, Kentucky, and

WHEREAS, a loaded truck of the Highway Department of the Commonwealth of Kentucky, while traveling west on said street, struck the automobile of Harold Jernigan, causing considerable damage to the same, now therefore

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Harold Jernigan be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and/or the Kentucky Department of Highways in the Christian county circuit court or the Fayette county circuit court for all such damage as he may have sustained to his automobile in the accident described above, if any, in an amount not to exceed three hundred dollars (\$300.00).

Either party to said suit may appeal from any judgment which may be entered therein as in any other civil suit, and

the case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky in the same way as any other civil case

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
Stanley H. Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 50. Resolution authorizing Clayton Stokes to sue the Commonwealth of Kentucky for the sum of Ten Thousand (\$10,000.00) dollars and making an appropriation therefor.

Said resolution is as follows, viz:

WHEREAS, Clayton Stokes, a private in the 63rd Field Artillery Brigade of Kentucky State Militia was stationed at the Kentucky State Fair in 1933, and

WHEREAS, on September 14, 1933, and while the said Clayton Stokes was on active duty at the said State Fair Grounds in Louisville, Kentucky, he was injured by the negligent discharging of a .45 Smith and Wesson revolver in the hands of one Private Shumate and at the time of said injury Private Stokes was in the line of duty and did not contribute in any way to said injury, and

WHEREAS, as a result of said injury due to the negligence of said Private Shumate, Clayton Stokes was shot and injured about his right chest and his lung was punctured and he has been unable since said injury to perform any labor or follow his usual vocation, and is now permanently and totally injured and disabled.

Now, therefore, be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Clayton Stokes be and he is hereby authorized to sue the Commonwealth for the sum of ten thousand (\$10,-

000.00) dollars said suit to be filed in the Franklin Circuit Court and same may be settled or compromised upon approval of the Attorney General. Any judgment, settlement or compromise so approved by the Attorney General and certified to to Auditor of Public Accounts shall be paid as follows: The Auditor of Public Accounts will draw his warrant upon the State Treasurer for said sum of the judgment, settlement or compromise and the Treasurer will issue his check for said sum payable to the said Clayton Stokes, all of which shall be drawn upon and paid out of the General Fund.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leer Buckley	Ralph Gilbert
Aubrey Barbour	Dr. D. H. Bush	John M. Hall
Paul M. Basham	Waller A. Crockett	J. Joseph Hettinger
H. Stanley Blake	Edwin C. Dawson	H. Watt Hillman
Ollie J. Bowen	Lee Gibson	Leo King

J. W. McDonald	Ray B. Moss	Otis White
Stanley B. Mayer	Ira W. See	O. C. Whitfield
Strother Melton	Jos. P. Tackett	B. M. Williams
E. C. Moore	J. E. Trager	J. E. Wise
J. Lee Moore	Ervin Turner	
Dr. R. C. Moss	E. T. Wesley	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 52. Resolution authorizing the personal representative of George Baber, deceased, to file and prosecute suit against the Commonwealth of Kentucky and the State Highway Commission or either of them.

Said resolution is as follows, viz:

WHEREAS, one George Baber was employed as a laborer by the State Highway Department and became seriously injured and physically incapacitated to perform said work or any work on May 29, 1937, in Madison County, Kentucky, while in the course of his employment and in performance of the duties thereof, and as a direct result of said injuries did on June 4th, 1937, or there about, die:

WHEREAS, through mistake and oversight of the State Highway Foreman the name of the said George Baber was not signed on the Workmen's Compensation Register and an adjustment and settlement with the estate and personal repre-

sentative of the said George Baber cannot therefore be made, under the provisions of the Workmen's Compensation Law.

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the personal representative of George Baber, deceased, be and the said personal representative is hereby permitted, empowered and authorized to file and prosecute appropriate action against the Commonwealth of Kentucky and the State Highway Commission, or either, for the purpose of determining the liability of the Commonwealth of Kentucky and the State Highway Commission, or either, for such injury and death and medical, surgical, ambulance, hospital and burial expenses, and loss to said estate by reason of the destruction of his power to labor and earn money; and in the event of any judgment recovered in said action by the personal representative of the said George Baber, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the General Fund.

§ 2. Either party to any suit may appeal from any judgment which may be entered therein as in any other civil suit and the liability, claim and case may be settled and adjusted with the consent and approval of the Attorney General of Kentucky, in the same way and manner as any other civil case.

§ 3. Said action may be brought in the Madison Circuit Court or any County of Kentucky having jurisdiction of the parties and subject matter. The limit of liability shall be One Hundred (\$100.00) Dollars for ambulance, medical, surgical and hospital expenses and Seventy-Five (\$75.00) Dollars for burial expenses, and Four Thousand (\$4,000.00) Dollars for the death of the said George Baber, or a total of Four Thousand and One Hundred and Seventy-Five (\$4,175.00) Dollars.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 58. Resolution authorizing F. L. Buchanan to sue the Commonwealth of Kentucky and the State Highway Commission or either.

Said resolution is as follows, viz:

WHEREAS, on April 16, 1936, at or about three o'clock P. M., at a point near Shelby Gap in Pike County, Kentucky, and on Route No. 23, a public road between Jenkins, Kentucky, and Pikeville, Kentucky, a truck owned and operated by the State Highway Department of the State of Kentucky, which was being used for the purpose of hauling rock and other materials while repairing road, and operated by Clyde Scalf, an employee of the State Highway Commission, suddenly backed out into the highway without any warning, signal or other notice of his intention so to do, and ran into and against an automobile owned and operated on said highway by F. L. Buchanan, and as a result of said collision the automobile of the said F. L. Buchanan was completely destroyed; and

WHEREAS, the said F. L. Buchanan has sustained a permanent damage to his automobile by reason of the alleged carelessness and negligence of the employees of the said State Highway Commission in the conduct of the State's business; therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That F. L. Buchanan be, and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Commission, or either, for such damages as he may have suffered, if any, by reason of his automobile having been destroyed through the carelessness or negligence

of the said Highway Commission, its agents or employees. Said suit shall be for any amount not exceeding the sum of \$500.00, and in the event any judgment is recovered by said F. L. Buchanan in said suit for damages to his property, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer, and paid out of the General Fund.

§ 2. Said action may be brought in any county of Kentucky having jurisdiction of the parties and subject matter.

§ 3. Any action begun under this authority shall be commenced within one year after the effective date hereof.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ollie J. Bowen	Edwin C. Dawson
Aubrey Barbour	Leer Buckley	Lee Gibson
Paul M. Basham	Dr. D. H. Bush	Ralph Gilbert
Stanley H. Blake	Waller A. Crockett	John M. Hall

J. Joseph Hettinger	J. Lee Moore	E. T. Wesley
H. Watt Hillman	Dr. R. C. Moss	Otis White
Leo King	Ray B. Moss	O. C. Whitfield
J. W. McDonald	Ira W. See	B. M. Williams
Stanley B. Mayer	Jos. P. Tackett	J. E. Wise
Strother Melton	J. E. Trager	
E. C. Moore	Ervine Turner	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 57. Resolution authorizing John Williamson to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

Said resolution is as follows, viz:

WHEREAS, during the years 1934 and 1935, John Williamson, of Zebulon, Pike County, Kentucky, was employed by the State Highway Commission of the Commonwealth of Kentucky in the capacity of driver or operator of road machinery used in the maintenance and repair of roads in Pike County, Kentucky; and

WHEREAS, a controversy exists between the said John Williamson and the State Highway Commission of the Commonwealth of Kentucky over a settlement for the work done and performed by the said John Williamson, and said parties are not able to arrive at a mutual settlement of the amount of

money still due the said John Williamson for work done and performed for the said State Highway Commission;

NOW, THEREFORE, in order to determine by judicial action the amount that is due and owing the said John Williamson, if any, by the Commonwealth of Kentucky through its State Highway Commission for work done and performed in the maintenance of roads, road construction and repair work;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That John Williamson is hereby authorized to institute a suit against the Commonwealth of Kentucky and the State Highway Commission, or either, to recover any amount of money that may be due said John Williamson, if any, for work done and labor performed by him as operator of road machinery used in the maintenance and repair and construction of roads in Pike County, Kentucky. Said suit shall be for any amount not exceeding the sum of \$800.00, and in the event any judgment is recovered by said John Williamson or same is compromised or settled same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasurer and paid out of the General Fund.

§ 2. Said action may be brought in any circuit court of the Commonwealth of Kentucky which may have jurisdiction of the parties or subject matter.

§ 3. Any action begun under this authority shall be commenced within one year after the effective date hereof.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 70. A resolution, authorizing E. R. McGuire, doing business at The Grayson Milling Company, to file suit against the Commonwealth of Kentucky and the State Highway Department, or either of them.

Said resolution is as follows, viz:

WHEREAS, HERETOFORE the State Highway Department has failed, neglected, and refused to properly or at all, keep open the ditches, culverts, crossing and other drainage facilities on the Grayson-Hitchens road where the said road joins and abuts on the property of the said McGuire and as a result of the said neglect and failure to keep the said drainage outlets open, the water and drainage from said highway backs up on and into the property of the said McGuire, causing great damage to said property and the machinery therein and will continue to do so unless the said highway is repaired; now Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That E. R. McGuire, doing business as The Grayson Milling Company, be and he is hereby authorized and permitted to sue the Commonwealth of Kentucky and the State Highway Department or Commission, or any of them, in the Circuit Court of the county of his residence for such damages as he may have suffered or sustained, if any, by reason of the failure to keep open the ditches, culverts, crossing and other drainage facilities joining the property of the said McGuire, thereby causing the water to back up on and into the property of the said McGuire and causing great damage to his property and the buildings and machinery thereon.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to

At the instance of the Committee on Rules, the Senate

took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 72. Resolution authorizing and permitting Omelia Bowen Murphy to sue the Commonwealth of Kentucky and the Kentucky State Industrial College, or either of them, and the Statute of Limitation not to apply until and from the passage of this resolution.

Said resolution is as follows, viz:

WHEREAS, on December thirteen (13), One thousand nine hundred twenty-six (1926), the dormitory for girls at the Kentucky State Industrial College for Colored persons near Frankfort, Kentucky, was destroyed by fire, and

WHEREAS, Omelia Bowen Murphy, was severely, painfully and permanently injured on and about the shoulders, arms, legs, hands and body, and

WHEREAS, it is claimed that the said fire was entirely caused through and by the gross negligence and gross carelessness of the agents, servants and employees of the said Kentucky State Industrial College in the operation of the said institution which is managed, controlled and supported by the Commonwealth of Kentucky, and

WHEREAS, Omelia Bowen Murphy, sustained said serious, permanent and painful injuries because of the alleged carelessness and negligence of the said employees while in the discharge and conduct of the operation of the said state institution for and on behalf of the Commonwealth of Kentucky; Therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the said Omelia Bowen Murphy be and she is hereby authorized and permitted to sue the Commonwealth of Kentucky and the Kentucky State Industrial College or either in the Circuit Court of Franklin County, Kentucky, for such damages as she may have suffered, if any, by reason of any in-

juries received by her through the carelessness or negligence of the Kentucky State Industrial College, its agents, or employees. Said suit shall be for any amount not exceeding the sum of Ten Thousand (\$10,000.00) Dollars, and in the event any judgment is recovered by said Omelia Bowen Murphy in said suit for injuries to herself, or same is compromised or settled, same shall be paid by the Auditor of Public Accounts by warrant drawn on the State Treasury and paid out of the general fund.

Either party to said suit may appeal from the judgment which may be entered therein as in any other civil suit and the case may be settled and adjusted with the consent and approval of the Attorney-General of Kentucky in the same way as any other civil suit, and the Statue of Limitation not to apply until and from the passage of this resolution.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Leo King	Ervine Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
Lee Gibson	Dr. R. C. Moss	
Ralph Gilbert	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 226. An Act to provide special lien books to county clerks, and for the keeping of a record of liens against the estates of recipients of old age assistance by county clerks.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The State Department of Welfare shall furnish a special lien book to each county clerk. The county clerks shall keep in such lien books a record of all liens to the state against the estates of recipients of old age assistance, as provided for in

section 11 of Chapter 94 of the Acts of 1936, and no fee of any kind shall be paid to any county clerk for his services in keeping a record of such liens. When the state's claim against such estate shall be satisfied or said lien shall for any reason become ineffective, the lien shall be released in the same manner as any other encumbrance on real estate, and without fee.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Paul L. Sidebottom
Aubrey Barbour	Wm. H. Jones, Jr.	Jos. P. Tackett
Paul M. Basham	Leo King	J. E. Trager
H. Stanley Blake	J. W. McDonald	Ervine Turner
Ollie J. Bowen	Stanley B. Mayer	Thomas O. Turner
Leer Buckley	Strother Melton	E. T. Wesley
Dr. D. H. Bush	E. C. Moore	Otis White
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
Lee Gibson	Dr. R. C. Moss	B. M. Williams
Ralph Gilbert	Ray B. Moss	
J. Joseph Hettinger	Ira W. See	

There voted in the negative—

Waller A. Crockett

—1

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that the said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 227. An Act to vest powers of notary public in the Director and all official representatives and field investigators of the Division of Public Assistance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

The Director of the Division of Public Assistance and all official representatives and field investigators of said Division are hereby vested with the powers of notary public when carrying out the provisions of Chapter 94 of the Acts of 1936, and are authorized and empowered to administer oath to any person questioned for the purpose of determining an applicant's eligibility for assistance and to properly acknowledge all liens or other documents necessitating acknowledgments and needed for the administration of Chapter 94 of the Acts of 1936.

Senator Gilbert moved the Previous Question

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said bill be read the third time

The Constitutional provision as to the third reading of
 said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said
 bill in accordance with the provision of the Constitution were
 as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Paul L. Sidebottom
Aubrey Barbour	Wm. H. Jones, Jr.	Jos. P. Tackett
Paul M. Basham	Leo King	J. E. Trager
H. Stanley Blake	J. W. McDonald	Ervine Turner
Ollie J. Bowen	Stanley B. Mayer	Thomas O. Turner
Leer Buckley	Strother Melton	E. T. Wesley
Dr. D. H. Bush	E. C. Moore	Otis White
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
Lee Gibson	Dr. R. C. Moss	B. M. Williams
Ralph Gilbert	Ray B. Moss	
J. Joseph Hettinger	Ira W. See	

—31

There voted in the negative—

Waller A. Crockett

—1

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill

was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 225. An Act providing for an exemption from the State's lien upon the estate of a recipient of old age assistance.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In each and every lien upon the estate of a recipient of old age assistance, provided for in section 11 of Chapter 94 of the Acts of 1936, there shall be an exemption of one hundred dollars (\$100.00) so as to care for burial expenses, if no other provision for the burial expenses of such recipient has been made. The amount exempted shall be used exclusively for burial expenses, and if after all burial expenses are paid, there remains an unexpended balance of the one hundred dollars (\$100.00) for which exemption is provided in this Act, the lien provided in section 11 of Chapter 94 of the Acts of 1936 shall apply to such balance.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Paul L. Sidebottom
Aubrey Barbour	Wm. H. Jones, Jr.	Jos. P. Tackett
Paul M. Basham	Leo King	J. E. Trager
Stanley H. Blake	J. W. McDonald	Ervine Turner
Ollie J. Bowen	Stanley B. Mayer	Thomas O. Turner
Leer Buckley	Strother Melton	E. T. Wesley
Dr. D. H. Bush	E. C. Moore	Otis White
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
Lee Gibson	Dr. R. C. Moss	B. M. Williams
Ralph Gilbert	Ray B. Moss	
J. Joseph Hettinger	Ira W. See	

—31

There voted in the negative—

Waller A. Crockett

—1

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 413. An Act amending charters of cities of the third class to provide for the creation of a civil service commission, prescribing their duties and declaring their qualifications; providing for examination of all applicants for municipal employment; providing for the dismissal of employees and to provide for appeal to Circuit Court and Court of Appeals; providing for the creation of a board of trustees of a pension fund, prescribing their duties; authorizing the establishment and maintenance of a pension fund and stipulating a limitation by such cities with limitations herein provided for, and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. DEFINITIONS. As used in this Act, the following words and terms shall have the following meaning:

(a) The term CIVIL SERVICE includes the offices and positions of trust or employment in the service of the City not specifically excluded, herein, and specifically excluded by Ordinance of such City adopting this Act.

(b) The term APPOINTING AUTHORITY signifies the officer, commission, board, or body having the power of appointment to or removal from positions in any office, department, commission, board or institution.

(c) The term EMPLOYEES signifies any person or persons who is employed in the conduct of municipal affairs including those holding an administrative or directorial position as has heretofore been or may hereafter be established for cities of the third class, provided, however, that the Mayor of any city is not considered an employee within the meaning of this Act.

(d) The term ADMINISTRATIVE OR DIRECTORIAL POSITIONS signified any person or persons who is the head of a department of municipal government as has heretofore been or may hereafter be established.

(e) The word COMMISSION shall mean the board of civil service commissioners as established under the terms of this Act.

(f) The term PENSION FUND shall mean the monies derived from the employees and the levy of a special tax either or both or any other sum derived from any other source by gift or otherwise, to be used for the retirement of employees after the prescribed number of years of service and for the benefit of disabled employees and for the benefit of widows and dependent children in the case of death of an employee within the scope of his or her employment according to the terms of this Act and the Ordinance of such City adopting this Act.

§ 2. That any City of the third class may, by Ordinance, create a civil service commission whose duties it shall be to hold examinations as to the qualifications of applicants for municipal employment within the several departments of such cities as may be designated by Ordinance of such City electing to operate under this Act, and, such City, by Ordinance, may classify employees of said City and designate such class of employees if such City desires to come within the provisions of this Act. When any City of the third class elects to adopt an Ordinance under the provision of this Act for the creation of a pension fund and accepts from its employees a portion of their wages and levies a tax therefor, as provided by terms of this Act and by Ordinance of such City, an inviolable contract shall be created and be in existence by and between the City as employer and such employees and the City and such employees shall continue to operate under the provisions of this Act and said Ordinance adopting this Act and a repeal of said Ordinance by said City shall in no wise effect such employees unless by the mutual consent of the City and the said employee or employees.

The Mayor, subject to the approval of the Legislative body of the City, shall appoint three persons who shall constitute the civil service commission of said City, each ap-

pointee shall be at least thirty years of age and not related by either blood or marriage to either the Mayor or any member of the Legislative body of the City. Such appointees shall originally be appointed one for a term of one year; one for a term of two years and one for a term of three years, respectively, and the successors to such appointees shall be appointed in like manner, each for a period of three years and until his successor is appointed and qualified. A vacancy shall be filled for the unexpired term in the same manner as the original appointments. At the time of any appointment not more than two commissioners shall be adherents of the same political party. The appointee who has been originally appointed for the term of three years shall be secretary of the commission. Each appointee before entering upon the discharge of his duties shall qualify by subscribing, taking and filing an oath of office as required by law. The salary of the members of the commission may be fixed by the Legislative body of such City, not to exceed any maximum amount as is prescribed by law.

If the appointing authority of any such City fails to appoint a civil service commission or commissioners, as provided by law, within thirty days after he has the power to so appoint or after a vacancy exists the Mayor pro tem. shall make the appointment and such appointee shall hold office until the expiration of the term, above set out, and until the successor of such appointee is appointed and qualified.

The civil service commission shall prescribe, amend and enforce rules not inconsistent with provisions of this Act or the Ordinance of such City adopting this Act for examinations and registrations therefor.

§ 3. POWERS AND DUTIES OF THE COMMISSION. The civil service commission shall prescribe and propound such examinations as may be deemed proper, commensurate with vacant positions within the various departments of said City, according to the classification as prescribed by Ordinance, and shall set such times and places for holding such

examination as may be fit and proper and shall give public notice of such examinations to be conducted at least ten days in advance thereof, by causing a notice to be printed once in the official newspaper, containing all facts appertaining thereto.

The civil service commission shall as soon after all such examinations as is practicable, certify to the Mayor or such other appointing authority of said City, a list of the applicants so examined and that shall be ranked and graded according to the result of the examinations and the highest averages shall be ranked first and all others shall be ranked numerically according to the result of such examinations. Every soldier, sailor, marine, member of the Army nurse corps or Red Cross nurse who has served in the Army or Navy or hospital service of the United States in the war with the Central powers of Europe between the dates of April 16th, 1917, and November 11th, 1918, who has been honorably discharged therefrom and is a resident and voter of said City, and who is an applicant for any position in the civil service of said City shall be entitled to five per cent increase on his examination mark.

§ 4. APPOINTMENTS TO BE MADE BY MAYOR OR OTHER APPOINTING AUTHORITY. The Mayor or other appointing authority shall make all appointments to municipal positions under this Act, and the appointments so made shall be taken from the lists of applicants furnished him by the civil service commission after examination. Appointments to the various positions shall be made by the selection of one of the three holding the highest averages in the various classes and grades as so certified by the commission.

Whenever there are urgent reasons for filling a vacancy in any position in classified civil service and the commission is unable to certify to the appointing officer upon request by the latter a list of as many as three persons eligible for appointment after a competitive examination, the appointing officer may nominate a person to the commission for non-competitive examination and if such nominee shall be certified

by the commission as qualified after such noncompetitive examination he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination; but such provisional appointment shall continue in force only until regular appointment can be made from eligible list prepared by the commission, and such eligible list shall be prepared within ninety days thereafter. In case of an emergency an appointment may be made by the Mayor or other appointing authority without regard to the rules of this Act, but in no case to continue longer than sixty days and in no case shall successive appointments be made; provided, however, that interim or temporary appointments made necessary by reason of sickness or disability of regular officers or employees shall continue only during such period of sickness or disability.

In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications such as of a managerial, professional or educational character are required and upon satisfactory evidence that for specified reasons competition in such case is impracticable and that the position can best be filled by a person of high and recognized attainment in such qualities the commission suspend the provisions of the Statute or Ordinance requiring competition in such case.

Where the service to be rendered by an appointee in the classified service or for a temporary period not to exceed sixty days, and the need of such service is important and urgent, the Mayor or appointing authority may select for such temporary service any person on the proper list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent employment; nor shall the period of temporary service be counted as the part of the proba-

tionary service in case of subsequent appointment to a permanent position.

No person shall be certified by the commission to the Mayor or appointing authority from an eligible list more than four times to the same Mayor or appointing authority for the same or a similar position, except at the request of said Mayor or appointing authority, provided that certification for temporary appointment shall not be counted as one of such certifications.

§ 5. PRESENT EMPLOYEES IN SERVICE ONE YEAR. Employees who at the time the provisions of this Act are adopted by any City of the third class that have been in the employ of such City for one year last past shall not be required to withstand an original examination and shall be considered eligible for all the benefits provided in this Act.

§ 6. QUALIFICATIONS OF APPLICANT FOR MUNICIPAL EMPLOYMENT. The civil service commission shall examine all applicants for municipal employment as to their physical and mental qualifications to the particular classification for which the applicants, as defined by Ordinance, are seeking employment. No person shall be eligible to take the examination who is not a registered voter within the City and is known to be a person of sobriety and integrity and had been or is a law abiding citizen, nor shall any person be appointed to municipal employment on account of political partisan service rendered by him, or on account of political sentiment or affiliation, or who is over sixty years of age, nor shall any person in municipal employment under this Act be removed or discharged or reduced in grade or paid for any political opinion, and all applicants must be twenty-one years of age or over, and must be able to read and write and understand the English language.

§ 7. No employee in the classified service of the City, as designated by the Ordinance of said City adopting this Act shall be removed, suspended, reduced in grade or pay, for any reason except inefficiency, misconduct, insubordination or

violation of law involving moral turpitude or any rule or regulation adopted by the Legislative body of the City or any rule or regulation of the civil service commission. Any person may prefer charges in writing against any employee which must be filed in the office of the Mayor or other appointing authority who shall thereupon communicate said charges without delay to the Legislative body of the City. Said charges must be signed by the person making same and must set out with clearness and distinctness each and every charge. It shall be the duty of the Mayor, or other appointing authority, whenever probable cause appears to prefer charges against any employee whom he believes to have been guilty of any conduct justifying his or her removal in the interest of public order. Upon the filing of said charges the Clerk of the Legislative body of the City shall notify the members thereof and shall serve a copy of said charges upon the accused employee together with the statement of the date, place and hour at which the hearing of said charges shall begin, said hearing, however, not to be held within three days of the date of the service of said charges upon the accused employee. The day on which the charges are served on the accused employee shall count as one of the days of the notice.

Upon the hearing said charges shall be considered traversed and put in issue and trial shall be confined and limited to the issues so presented by the written charges. The person accused may, however, in writing waive the service of said charge and demand trial within three days after same have been filed with the Clerk of said Legislative body. The Legislative body will have the power to summon and compel the attendance of witnesses at all hearings and sittings by subpoena issued by the Clerk of said body and served upon the witnesses by members of the Police Department of such City or any officer authorized to serve subpoenas of any Court of Justice within the County, and said Legislative body shall have the power of a justice of the peace to punish for contempt. The accused employee shall have the right to have

subpoenaed in his or her behalf, any witness or witnesses he or she may desire upon the furnishing of their names to the Clerk of said body. As many as ten of said subpoenas may be requested to be served by the accused employee, as above set out, without charge against said employee, but each additional subpoena requested by said employee shall be issued by the Clerk and served by the Police Department upon the payment of a charge of Fifty (\$0.50) Cents to the City Clerk by the said employee or anyone in his behalf. The action and decision of said Legislative body on said charges shall be reduced to writing and shall be kept in a book for that purpose and the written charge shall be preserved and securely attached to the book containing the body's decision.

In cases where the Mayor or appointing authority has probable cause to believe that any employee has been guilty of any conduct justifying his or her removal or punishment he shall immediately suspend said employee from duty or from both pay and duty pending said trial and said employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the Legislative body of the City. The Legislative body of the City shall fix the punishment of any employee found guilty of any charge under this Act by reprimand or a suspension for any length of time in their judgment not to exceed six months or by reducing the grade, if said employee's classification warrants same or by combining any two or more of said punishments or by removing and dismissing from the service of the City any employee so found guilty. No such employee, except as provided in the Act shall be reprimanded, removed, suspended or dismissed.

§ 8. APPEAL TO CIRCUIT COURT AND COURT OF APPEALS. Any employee of the City who shall be found guilty by the Legislative body of any charge as hereinbefore provided shall have the right to appeal to the Circuit Court of the County in which said City is located, provided the punishment by a suspension of more than thirty days or a reduction in grade if his or her classification warrants or his or

her removal or dismissal from the municipal employment, provided, the enforcement of the judgment of said Legislative body of said charges shall not be suspended pending said appeal.

Upon the request in writing of the person accused, and the payment of costs therefor the Clerk of the Legislative body shall file a certified copy of the charges made and the judgment or finding of said body in the Circuit Court which transcript having been filed, the cause shall be docketed in the Circuit Court and tried *de novo*. Should the Clerk of this body fail to certify and transmit the transcript aforesaid to the Circuit Court within five days after the request is made for same, then the aggrieved person may file an affidavit in said Court setting out as fully as possible, the charges made at the time of trial and judgment, together with a statement of the fact that demand for the transcript had been made of the Clerk of the said body more than five days prior to the filing of said affidavit. Upon the filing of said affidavit in the Circuit Court, said cause shall be docketed in said Court and Circuit Court is hereby authorized to compel the filing of said transcript by said Clerk by entering proper mandatory order, and upon the failure of the clerk so to do, he shall be liable to fine and imprisonment as in other cases of contempt. Such appeal shall have precedence over other business and be taken up and determined speedily. An appeal will lie from the judgment of the Circuit Court to the Court of Appeals of Kentucky as in other cases, provided, the original punishment fixed by the Legislative body of the City be removal or dismissal of the accused.

§ 9. NUMBER OF MUNICIPAL EMPLOYEES, SALARIES. The number of municipal employees and the classification thereof shall be such as the Legislative body of the City may from time to time ordain, and the Legislative body of the City shall fix by ordinance the salaries for each classification of municipal employment.

§ 10. Any such City adopting by Ordinance the provi-

sions of this Act may provide in said Ordinance or by a subsequent Ordinance for a pension fund for the benefit of the employee under the civil service of such City and for that purpose may create a board for the pension fund and designate trustees of said board and may provide for the creation and maintenance of a pension fund by the levy of a tax of not exceeding Five (\$0.05) Cents on each One Hundred (100.00) Dollars value of taxable property in said City and may assess monthly such amount or per cent of the salary or wages of said employee as may be equitably determined on a fair actuarial basis not to exceed, however, a per cent greater than five per cent of the monthly salary of such employee and may fix the powers of the trustees of the pension board and determine the eligibility of employees or their dependents to a pension or other benefit and may provide a monthly allowance for said employee eligible for a pension not to exceed, however, one-half of the monthly salary or wage of said employee at the time of his retirement.

§ 11. ACT NOT TO AFFECT CERTAIN STATUTES. It is the intention of this Act that the following sections of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be not affected in any way or manner, expressly, by implication or otherwise: Sections 3351a-1 through 3351a-19, inclusive, said sections of the Statutes being Chapter 132 of the Acts of 1926, and it is the further intention of this Act that the provisions contained in this Act are independent, separate and apart from the laws governing, regulating and prescribing the duties and powers of the police and fire departments as provided in Sections 3351a-1 to 3351a-19, inclusive, of Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

§ 12. CONFLICTING LAWS REPEALED. All laws or parts of laws in conflict herewith are hereby expressly repealed. If any Section of this Act be held to be invalid or unconstitutional, such fact shall not affect any other Section of this Act, it being the intention of the General Assembly in en-

acting this Act to enact each Section separately; and if any proviso or exception contained in any Section of this Act shall be held to be invalid or unconstitutional such fact shall not affect the remaining portion of such Section, it being the intention of the General Assembly to enact each Section of this Act and each exception thereto separately.

§ 13. An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Senator Gibson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Aubrey Barbour	Edwin C. Dawson	Leo King
Paul M. Basham	Lee Gibson	J. W. McDonald
H. Stanley Blake	Ralph Gilbert	Stanley B. Mayer
Ollie J. Bowen	John M. Hall	Strother Melton
Leer Buckley	J. Joseph Hettinger	E. C. Moore
Dr. D. H. Bush	H. Watt Hillman	J. Lee Moore
Waller A. Crockett	Wm. H. Jones, Jr.	Dr. R. C. Moss

Ira W. See	J. E. Trager	Otis White
Paul L. Sidebottom	Ervine Turner	O. C. Whitfield
John A. Sugg, Jr.	Thomas O. Turner	B. M. Williams
Jos. P. Tackett	E. T. Wesley	—32

Resolved that the title thereof be as aforesaid—

Senator Gibson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 348. An Act to amend and re-enact Section 1779A-1 of Carroll's Kentucky Statutes, annotated, Baldwin's 1936 Revision, which section is a part of Chapter 47 Article 18, relating to fees.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 1779A-1 of Carroll's Kentucky Statutes, Annotated, Baldwin's 1936 Revision, which section is a part of Chapter 47 Article 18, relating to fees, be amended and re-enacted so that said section as amended and re-enacted shall read as follows:

Section 1779A-1.—That the Sheriff of each county having an assessed value of more than one hundred million dollars and in which there is located a city of second class, and which county comprises a separate judicial district shall be paid salary of five thousand dollars (\$5,000.00) per annum. The Sheriff shall be permitted to appoint such deputies and clerical assistants, subject to the approval of the fiscal court of

said county, as may be necessary for the proper performances of the duties of the office. The said sheriff with the approval of said court, shall fix the salaries of such deputies and clerical assistants but the salaries of such deputies and clerical assistants shall not in any year exceed the sum of Twenty Thousand (\$20,000.00) Dollars. The fiscal court is authorized to pay all the necessary expenses incident to the proper performance of the duties of the office of the Sheriff, including the premium on his revenue bond, all of which expenses shall not in any year exceed the sum of Five Thousand (\$5,000.00) Dollars.

The Sheriff shall be required at the end of each month to furnish to the fiscal court a sworn statement of all receipts and disbursements and a sworn statement of the necessary expenses of the office during the preceding month, and shall pay to the treasurer of the county the total amount collected by him. The fiscal court shall pay to the sheriff, his deputies and clerical assistants the annual salaries in monthly installments out of the general expense fund and if approved shall pay to the sheriff the expenses incurred by him during the preceding month.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ray B. Moss
Aubrey Barbour	J. Joseph Hettinger	Ira W. See
Paul M. Basham	H. Watt Hillman	Paul J. Sidebottom
Stanley H. Blake	Wm. H. Jones, Jr.	John A. Sugg, Jr.
Ollie J. Bowen	Leo King	Jos. P. Tackett
Leer Buckley	J. W. McDonald	J. E. Trager
Dr. D. H. Bush	Stanley B. Mayer	Ervine Turner
Waller A. Crockett	Strother Melton	E. T. Wesley
Edwin C. Dawson	E. C. Moore	Otis White
Lee Gibson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Dr. R. C. Moss	B. M. Williams

—33

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 74. An Act amending charters of cities of the second class to provide for the creation of a civil service commission, prescribing their duties and declaring their qualifications; providing for examination of all applicants for municipal employment; providing for the dismissal of employees and to provide for appeal to Circuit Court and Court of Appeals; providing for the creation of a board of trustees of a

pension fund, prescribing their duties; authorizing the establishment and maintenance of a pension fund and stipulating a limitation by such cities with limitations herein provided for.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky;

§ 1. DEFINITIONS. As used in this Act, the following words and terms shall have the following meaning:

(a) The term CIVIL SERVICE includes the offices and positions of trust or employment in the service of the City not specifically excluded, herein, and specifically excluded by Ordinance of such City adopting this Act.

(b) The term APPOINTING AUTHORITY signifies the officer, commission, board, or body having the power of appointment to or removal from positions in any office, department, commission, board or institution.

(c) The term EMPLOYEES signifies any person or persons who is employed in the conduct of municipal affairs including those holding an administrative or directorial position as has heretofore been or may hereafter be established for cities of the second class, provided, however, that the City Manager of any city is not considered an employee within the meaning of this Act.

(d) The term ADMINISTRATIVE OR DIRECTORIAL POSITIONS signified any person or persons who is the head of a department of municipal government as has heretofore been or may hereafter be established.

(e) The word COMMISSION shall mean the board of civil service commissioners as established under the terms of this Act.

(f) The term PENSION FUND shall mean the monies derived from the employees and the levy of a special tax either or both or any other sum derived from any other source by gift or otherwise to be used for the retirement of employees

after the prescribed number of years of service and for the benefit of disabled employees and for the benefit of widows and dependent children in the case of death of an employee within the scope of his or her employment according to the terms of this Act and the Ordinance of such City adopting this Act.

§ 2. That any City of the second class may, by Ordinance, create a civil service commission whose duties it shall be to hold examinations as to the qualifications of applicants for municipal employment within the several departments of such cities as may be designated by Ordinance of such City electing to operate under this Act, and, such City, by Ordinance, may classify employees of said City and designate such class of employees if such City desires to come within the provisions of this Act. The board of commissioners of any second class city may waive the provisions of this act relative to the creation of a civil service commission and the appointment of members thereof, and grant to and vest in the city manager of such city all the powers and duties herein provided for such civil service commission and members thereof. Any rules and regulations prescribed by the civil service commission or the city manager to carry out the provisions of this act shall be subject to approval or disapproval by the board of commissioners. When any City of the second class elects to adopt an Ordinance under the provisions of this Act for the creation of a pension fund and accepts from its employees a portion of their wages and levies a tax therefor, as provided by terms of this Act and by Ordinance of such City, an inviolable contract shall be created and be in existence by and between the City as employer and such employees and the City and such employees shall continue to operate under the provisions of this Act and said Ordinance adopting this Act and a repeal of said Ordinance by said City shall in no wise affect such employees unless by the mutual consent of the City and the said employee or employees.

The Mayor, subject to the approval of the Legislative

body of the City, shall appoint three persons who shall constitute the civil service commission of said City, unless the board of commissioners of such city shall waive the provisions for creation of the civil service commission and vest the powers and duties of such commission in the city manager, in which event the mayor shall not appoint members of the civil service commission as provided herein, each appointee shall be at least thirty years of age and not related by either blood or marriage to either the Mayor or any member of the Legislative body of the City. Such appointees shall originally be appointed one for a term of one year; one for a term of two years and one for a term of three years respectively and the successors to such appointees shall be appointed in like manner each for a period of three years and until his successor is appointed and qualified. A vacancy shall be filled for the unexpired term in the same manner as the original appointments. At the time of any appointment not more than two commissioners shall be adherents of the same political party. The appointee who has been originally appointed for the term of three years shall be secretary of the commission. Each appointee before entering upon the discharge of his duties shall qualify by subscribing, taking and filing an oath of office as required by law. The salary of the members of the commission may be fixed by the Legislative body of such City not to exceed any maximum amount as is prescribed by law.

If the appointing authority of any such City fails to appoint a civil service commission or commissioners, as provided by law, within thirty days after he has the power to so appoint or after a vacancy exists the Mayor pro tem shall make the appointment and such appointee shall hold office until the expiration of the term, above set out, and until the successor of such appointee is appointed and qualified.

The civil service commission shall prescribe, amend and enforce rules not inconsistent with provisions of this Act or the Ordinance of such City adopting this Act for examinations and registrations therefor.

§ 3. POWERS AND DUTIES OF THE COMMISSION. The civil service commission shall prescribe and propound such examinations as may be deemed proper, commensurate with vacant positions within the various departments of said City, according to the classification as prescribed by Ordinance, and shall set such times and places for holding such examination as may be fit and proper and shall give public notice of such examinations to be conducted at least ten days in advance thereof, by causing a notice to be printed once in the official newspaper, containing all facts appertaining thereto.

The civil service commission shall as soon after all such examination as is practicable, certify to the City Manager or such other appointing authority of said City a list of the applicants so examined and that shall be ranked and graded according to the result of the examinations and the highest averages shall be ranked first and all others shall be ranked numerically according to the result of such examinations. Every soldier, sailor, marine, member of the Army nurse corps or Red Cross nurse who has served in the Army or Navy or hospital service of the United States in the war with the Central powers of Europe between the dates of April 16th, 1917, and November 11th, 1918, who has been honorably discharged therefrom and is a resident and voter of said City, and who is an applicant for any positions in the civil service of said City shall be entitled to five per cent increase on his examination mark.

§ 4. APPOINTMENTS TO BE MADE BY CITY MANAGER OR OTHER APPOINTING AUTHORITY. The City Manager of such cities as operate under the City Manager Act and in other cities the appointing authority shall make all appointments to municipal positions under this Act, and the appointments so made shall be taken from the lists of applicants furnished him by the civil service commission after examination. Appointments to the various positions shall be made by the selection of one of the three holding the

highest averages in the various classes and grades as so certified by the commission.

Whenever there are urgent reasons for filling a vacancy in any position in classified civil service and the commission is unable to certify to the appointing officer upon request by the latter a list of as many as three persons eligible for appointment after a competitive examination, the appointing officer may nominate a person to the commission for noncompetitive examination and if such nominee shall be certified by the commission as qualified after such noncompetitive examination he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after competitive examination; but such provisional appointment shall continue in force only until regular appointment can be made from eligible list prepared by the commission, and such eligible list shall be prepared within ninety days thereafter. In case of an emergency an appointment may be made by the City Manager or other appointing authority without regard to the rules of this Act but in no case to continue longer than sixty days and in no case shall successive appointments be made; provided, however, that interim or temporary appointments made necessary by reason of sickness or disability of regular officers or employees shall continue only during such period of sickness or disability.

In case of a vacancy in a position in the classified service where peculiar and exceptional qualifications such as of a managerial, professional or educational character are required and upon satisfactory evidence that for specified reasons competition in such case is impracticable and that the position can best be filled by a person of high and recognized attainment in such qualities the commission may suspend the provisions of the Statute or Ordinance requiring competition in such case.

Where the service to be rendered by an appointee in the classified service or for a temporary period not to exceed sixty days and the need of such service is important and urgent

the City Manager or appointing authority may select for such temporary service any person on the proper list of those eligible for permanent appointment. Successive temporary appointments to the same position shall not be made under this provision. The acceptance or refusal by an eligible applicant of a temporary appointment shall not affect his standing on the register for permanent employment; nor shall the period of temporary service be counted as the part of the probationary service in case of subsequent appointment to a permanent position.

No person shall be certified by the commission to the City Manager or appointing authority from an eligible list more than four times to the same City Manager or appointing authority for the same or a similar position, except at the request of said City Manager or appointing authority, provided that certification for temporary appointment shall not be counted as one of such certifications.

§ 5. PRESENT EMPLOYEES IN SERVICE ONE YEAR. Employees who at the time the provisions of this Act are adopted by any City of the second class that have been in the employ of such City for one year last past shall not be required to withstand an original examination and shall be considered eligible for all the benefits provided in this Act.

§ 6. QUALIFICATIONS OF APPLICANT FOR MUNICIPAL EMPLOYMENT. The civil service commission shall examine all applicants for municipal employment as to their physical and mental qualifications to the particular classification for which the applicants, as defined by Ordinance, are seeking employment. No person shall be eligible to take the examination who is not a registered voter within the City and is known to be a person of sobriety and integrity and had been or is a law abiding citizen, nor shall any person be appointed to municipal employment on account of political partisan service rendered by him or on account of political sentiment or affiliation or who is over sixty years of age, nor

shall any person in municipal employment under this Act be removed or discharged or reduced in grade or paid for any political opinion, and all applicants must be twenty-one years of age or over and must be able to read and write and understand the English language.

Any employee under the terms and provisions of this Act shall not coerce, persuade or in any way actively participate in any primary or regular election.

§ 7. No employee in the classified service of the City, as designated by the Ordinance of said City adopting this Act after serving a probationary period of six months shall be removed, suspended, reduced in grade or pay, for any reason except inefficiency, misconduct, insubordination or violation of law involving moral turpitude or any rule or regulation adopted by the Legislative body of the City or any rule or regulation of the civil service any commission. Any person may prefer charges in writing against any employee which must be filed in the office of the City Manager or other appointing authority who shall thereupon communicate said charges without delay to the Legislative body of the City. Said charges must be signed by the person making same and must set out with clearness and distinctness each and every charge. It shall be the duty of the City Manager or other appointing authority whenever probable cause appears to prefer charges against any employee whom he believes to have been guilty of any conduct justifying his or her removal in the interest of public order. Upon the filing of said charges the Clerk of the Legislative body of the City shall notify the members thereof and shall serve a copy of said charges upon the accused employee together with the statement of the date, place and hour at which and when the hearing of said charges shall begin, said hearing, however, not to be held within three days of the date of the service of said charges upon the accused employee. The day on which the charges are served on the accused employee shall count as one of the days of the notice.

Upon the hearing said charges shall be considered trav-

ersed and put in issue and the trial shall be confined and limited to the issues so presented by the written charges. The person accused may, however, in writing waive the service of said charge and demand trial within three days after same have been filed with the Clerk of said Legislative body. The Legislative body will have the power to summon and compel the attendance of witnesses at all hearings and sittings by subpoena issued by the Clerk of said body and served upon the witnesses by members of the Police Department of such City or any officer authorized to serve subpoenas of any Court of Justice within the County, and said Legislative body shall have the power of a justice of the peace to punish for contempt. The accused employee shall have the right to have subpoenaed in his or her behalf, any witness or witnesses he or she may desire upon the furnishing of their names to the Clerk of said body. As many as ten of said subpoenas may be requested to be served by the accused employee, as above set out, without charge against said employee but each additional subpoena requested by said employee shall be issued by the Clerk and served by the Police Department upon the payment of a charge of Fifty (\$0.50) Cents to the City Clerk by the said employee or anyone in his behalf. The action and decision of said Legislative body on said charges shall be reduced to writing and shall be kept in a book for that purpose and the written charge shall be preserved and securely attached to the book containing the body's decision.

In cases where the City Manager or appointing authority has probably cause to believe that any employee has been guilty of any conduct justifying his or her removal or punishment he shall immediately suspended said employee from duty or from both pay and duty pending said trial and said employee shall not be placed on duty or allowed pay thereafter until the charges are heard by the Legislative body of the City. The Legislative body of the City shall fix the punishment of any employee found guilty of any charge under this Act by reprimand or a suspension for any length of time in their

judgment not to exceed six months or by reducing the grade, if said employee's classification warrants some or by combining any two or more of said punishments or by removing and dismissing from the service of the City any employee so found guilty. No such employee, except as provided in the Act shall be reprimanded, removed, suspended or dismissed.

§ 8. APPEAL TO CIRCUIT COURT AND COURT OF APPEALS.

Any employee of the City who shall be found guilty by the Legislative body of any charge as hereinbefore provided shall have the right to appeal to the Circuit Court of the County in which said City is located, provided the punishment by a suspension of more than thirty days or the reduction in grade if his or her classification warrants or his or her removal or dismissal from the municipal employment, provided, the enforcement of the judgment of said Legislative body of said charges shall not be suspended pending said appeal.

Upon the request in writing of the person accused, and the payment of costs therefor the Clerk of the Legislative body shall file a certified copy of the charges made and the judgment or finding of said body in the Circuit Court which transcript having been filed the cause shall be docketed in the Circuit Court and tried de novo. Should the Clerk of this body fail to certify and transmit the transcript aforesaid to the Circuit Court within five days after the request is made for same then the aggrieved person may file an affidavit in said Court setting out as fully as possible, the charges made at the time of trial and judgment, together with a statement of the fact that demand for the transcript had been made of the Clerk of the said body more than five days prior to the filing of said affidavit. Upon the filing of said affidavit in the Circuit Court, said cause shall be docketed in said Court and Circuit Court is hereby authorized to compel the filing of said transcript by said Clerk by entering proper mandatory order and upon the failure of the clerk so to do, he shall be liable to fine and imprisonment as in other cases of contempt. Such

appeal shall have precedence over other business and be taken up and determined speedily. An appeal will lie from the judgment of the Circuit Court to the Court of Appeals as in other cases, provided, the original punishment fixed by the Legislative body of the City be removal or dismissal of the accused.

§ 9. NUMBER OF MUNICIPAL EMPLOYEES, SALARIES. The number of municipal employees and the classification thereof shall be such as the Legislative body of the City may from time to time ordain, and the Legislative body of the City shall fix by ordinance the salaries for each classification of municipal employment.

§ 10. Any such City adopting by Ordinance the provisions of this Act may provide in said Ordinance or a subsequent Ordinance for a pension fund for the benefit of the employee under the civil service of such City and for that purpose may create a board for the pension fund and designate trustees of said board and may provide for the creation and maintenance of a pension fund by the levy of a tax of not exceeding Five (\$0.05) Cents on each One Hundred (\$100.00) Dollars value of taxable property in said City and may assess monthly such amount or per cent of the salary or wages of said employee as may be equitably determined on a fair actual basis not to exceed, however, a per cent greater than five per cent of the monthly salary of such employee and may fix the powers of the trustees of the pension board and determine the eligibility of employees or their dependents to a pension or other benefit and may provide a monthly allowance for said employee eligible for a pension not to exceed, however, one-half of the monthly salary or wage of said employee at the time of his retirement.

§ 11. ACT NOT TO AFFECT SAID STATUTES. It is the distinct intention of this Act that the following Sections of the 1936 Edition of Carroll's Kentucky Statutes are not affected in any way or manner, expressly, by implication or otherwise: Section 3137, 3138, 3138-1, 3138-2, 3138-3, 3138-4, 3138-5, 3139, 3140, 3141, 3142, 3142-b3, 3142-b4, 3142-b5,

3142-b6, 3142-b7, 3142-b8, 3142-b9, 3142-b10, 3142-b11, 3142-b12, 3142-b13, 3142-b14, 3142-b15, 3142-b16, 3142-b17, 3142-b18, 3142-b19; and it is the further intention of this Act that the provision contained in this Act are independent, separate and apart from the laws governing, regulating and prescribed in the enumerated Sections of the 1936 Edition of Carroll's Kentucky Statutes as referred to within this Act in their relation to the Police and Fire Departments of any City of the second class and the members thereof.

§ 12. CONFLICTING LAWS REPEALED. All laws or parts of laws in conflict herewith are hereby expressly repealed. If any Section of this Act be held to be invalid or unconstitutional, such fact shall not affect any other Section of this Act, it being the intention of the General Assembly in enacting this Act to enact each Section separately; and if any proviso or exception contained in any Section of this Act shall be held to be invalid or unconstitutional such fact shall not affect the remaining portion of such Section, it being the intention of the General Assembly to enact each Section of this Act and each proviso and each exception thereto separately.

Senator Barbour moved the Previous Question.

Whereupon, the President of the Senate anonounced, "Shall the Main Question be now put?"

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	John A. Sugg, Jr.
Aubrey Barbour	H. Watt Hillman	Jos. P. Tackett
Paul M. Basham	Leo King	J. E. Trager
Stanley H. Blake	Stanley B. Mayer	Ervine Turner
Ollie J. Bowen	Strother Melton	Thomas O. Turner
Leer Buckley	E. C. Moore	Otis White
Dr. D. H. Bush	J. Lee Moore	O. C. Whitfield
Edwin C. Dawson	Dr. R. C. Moss	B. M. Williams
Lee Gibson	Ray B. Moss	J. E. Wise
Ralph Gilbert	Ira W. See	
John M. Hall	Paul L. Sidebottom	

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Resolved that the title thereof be as aforesaid—

Senator Barbour moved that he vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled, viz.:

H. Res. 46. Resolution to provide for ten copies each of Carroll's 1936 Kentucky Statutes, Baldwin's 1936 Kentucky Statute Service and Carroll's 1938 Kentucky Codes of Practice for the use of the General Assembly, and providing for the payment of same.

Said bill is as follows, viz.:

Whereas, it is necessary to expedite the business of the General Assembly of Kentucky, that the members thereof have free access to the Statutes, Service and Codes of the Common-

wealth for their use and benefit during the present session of the General Assembly, therefore,

Be it Resolved by the House of Representatives, the Senate concurring therein:

That the Clerk of the House of Representatives be, and he is hereby instructed to procure ten copies each of the one thousand nine hundred and thirty six revision of Carroll's Kentucky Statutes, the one thousand nine hundred and thirty seven edition of Baldwin's Kentucky Statute Service, and the one thousand nine hundred and thirty eight and edition of Carroll's Kentucky Codes of Practice for the use and benefit of the members of the General Assembly, and the Committees thereof. The Clerk of the House shall present the bill for same to the Auditor of Public Accounts who is hereby directed to draw his warrant for the payment of same upon the Treasurer of the Commonwealth of Kentucky.

Senator Gilbert offered the following amendment to said resolution, as follows, viz.:

Amend H. Res. 46. By changing the period to a comma at the end of the sentence on the last line and inserting the following:

“Payable out of the Legislative Fund Account”.

Said amendment to said resolution was agreed to.

Senator Gilbert then moved the Previous Question.

Whereupon, the President of the Senate announced, “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said resolution was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Paul J. Sidebottom
Aubrey Barbour	H. Watt Hillman	Jos. P. Tackett
Paul M. Basham	Leo King	J. E. Trager
Stanley H. Blake	J. W. McDonald	Thomas O. Turner
Ollie J. Bowen	Strother Melton	E. T. Wesley
Leer Buckley	E. C. Moore	Otis White
Dr. D. H. Bush	J. Lee Moore	O. C. Whitfield
Edwin C. Dawson	Dr. R. C. Moss	B. M. Williams
Lee Gibson	Ray B. Moss	
Ralph Gilbert	Ira W. See	

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Resolved that the title thereof be as aforesaid.

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 179. An Act providing for the teaching and practice of barbering and beauty culture requiring the registration of barber instructors, beauty instructors, barbers and apprentices, beauty culture, beauty schools, barber schools, barber shops and beauty shops, and the supervising of barber

shops, barber schools, beauty shops and beauty schools, defining the practice of barbering, beauty culture, manicuring, apprentice practice, exemptions from the operation of the act: qualifications for the certificate of registration as registered instructors, registered barbers, registered beauty specialist, registered manicurists, registered shops and registered schools; providing for application for examination and examination preparatory to practice as registered instructors, registered barbers, registered beauty specialists, registered apprentices and registered manicurists; providing for the establishment of a minimum standard of professional educational of instructors, barber's, beauty culturists, and manicurist; providing for the issuance of certificates of registrations of barbers, beauty culturists, instructors, schools, shops, apprentices and manicurists; regulating the admission of barbers, beauty specialists, apprentices, instructors and manicurists to practice in this state who have practiced barbering or beauty culture in another state or country; providing for the present practitioners in this state; for the issuance and display of certificates of registration for the renewal and the restoration of certificates; providing for the establishment of a board of barber and beautician examiners to be known as the Kentucky State Board of Barber and Beautician Examiners; for the hearing by said board of refusal, revocation, renewal or suspension of any certificate of registration; for perfecting appeal from the board, for fees to be charged for the issuance of registration certificates and for fee to accompany application for examination; for certain shop sanitary regulations; for penalty for violation of any provision of this act; for compensation of members of board and method of appointment by Governor; for organization of said board and its officers; duties of said board, for delegating to it powers to make and publish rules and regulations for the administration of this act and the posting of same in barber shops, beauty shops, barber schools, and beauty schools of this state; for

the keeping of the records of the boards proceedings and its publicity; for method of call meetings of the board; for the duties of the boards secretary for compensation of a secretary and each member of the board and limiting salary of any employee, inspector, clerk or assistant; for the declaration by courts of unconstitutionality of any section or part of this act not affecting any part of this act not declared unconstitutional.

This Act shall be known and may be cited as the "Kentucky Barber and Beautician Act."

Whenever, in this Act the word "board" is used it shall be construed to mean the Kentucky State Board of Barber and Beautician Examiners.

Senator E. C. Moore moved that consideration of said bill be made a special order of business for the hour of 1 o'clock, P. M., tomorrow.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 295. An Act repealing, amending and re-enacting Section 965-13, Kentucky Statutes, 1936 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 965-13, Kentucky Statutes, Carroll's 1936 Edition, be repealed, amended and re-enacted so that said section as amended and re-enacted shall read as follows:

Sec. 965-13. THIRTEENTH DISTRICT—

Boyle county—at Danville—on the first Monday in Jan-

uary; on the second Monday in April, and on the second Monday in September, and continue eighteen juridical days each.

Garrard county—at Lancaster—on the second Monday in March and on the fourth Monday in November, and continue eighteen juridical days each, and on the fourth Monday in July, and continue twelve juridical days.

Lincoln county—at Stanford—on the third Monday in February, and continue twelve juridical days; on the fourth Monday in May and the first Monday in November, and continue eighteen juridical days.

Mercer county—at Harrodsburg—on the fourth Monday in January, first Monday in May, and continue eighteen juridical days each, and on the first Monday in October, and continue twenty-four juridical days.

§ 2. That all acts and parts of acts in conflict with this act are hereby repealed.

Senator E. C. Moore moved the Previous Question.

Whereupon, the President of the Senate announced, “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Ira W. See
Aubrey Barbour	H. Watt Hillman	Paul L. Sidebottom
Paul M. Basham	Wm. H. Jones, Jr.	John A. Sugg, Jr.
Stanley H. Blake	Leo King	Jos. P. Tackett
Ollie J. Bowen	J. W. McDonald	J. E. Trager
Leer Buckley	Stanley B. Mayer	Ervine Turner
Dr. D. H. Bush	Strother Melton	Thomas O. Turner
Edwin C. Dawson	E. C. Moore	E. T. Wesley
Lee Gibson	J. Lee Moore	Otis White
Ralph Gilbert	Dr. R. C. Moss	O. C. Whitfield
John M. Hall	Ray B. Moss	B. M. Williams

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Resolved that the title thereof be as aforesaid—

Senator E. C. Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 219. An Act to amend and re-enact Articles V and VI of Chapter 85, being Sections 2619 to 2635b-5 inclusive of Carroll's Kentucky Statutes, 1936 Edition, relating to regulating the practice of pharmacy in the Commonwealth of Kentucky and to establish a Board of Pharmacy and define the powers and duties thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Articles V and VI of Chapter eighty-five (85), being

sections 2619 to 2635b-5 inclusive of Carroll's Kentucky Statutes, 1936 edition, be and the same are hereby amended and re-enacted so that the same when thus re-enacted, shall read as follows:

KENTUCKY PHARMACY LAW

1. REGISTERED PHARMACIST ONLY AUTHORIZED TO COMPOUND OR VEND DRUGS—PENALTY.

That except as in this act provided it shall hereafter be unlawful in the Commonwealth of Kentucky for any person who is not a registered pharmacist within the meaning of this act, to vend at retail, *or to manufacture*, compound or dispense any drug, medicine, chemical, poison or pharmaceutical preparation for medical use, or compound and dispense physician's prescriptions. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be liable to a fine of not less than twenty nor more than fifty dollars for each and every offense.

2. CERTIFICATES TO PRACTICE MAY BE EXCHANGED WITH OTHER STATES.

The Kentucky Board of Pharmacy is hereby authorized to exchange certificates of registration with other states allowing registered pharmacists of foreign states to practice pharmacy in this State, under such rules and regulations as the Kentucky Board of Pharmacy may determine.

3. DRUGS OR MEDICINES NOT TO BE SOLD OR COMPOUNDED EXCEPT BY REGISTERED PHARMACIST—PENALTY.

Any owner of a pharmacy, or retail drug store, who, not being a registered pharmacist shall fail or neglect to place in charge of such pharmacy or drug store a registered pharmacist, or any such proprietor who shall by himself, or any other person, permit the compounding or dispensing of prescriptions, or the vending at retail of drugs, medicines, poi-

sons or pharmaceutical preparations in his store or place of business, except by or in the presence and under the immediate supervision of a registered pharmacist, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be liable to a fine of not less than twenty-five nor more than one hundred dollars and each week that he shall cause or permit such pharmacy or retail drug store to be so conducted or managed shall constitute a separate and distinct offense, and render him liable to separate prosecution and punishment therefor.

4. KENTUCKY BOARD OF PHARMACY—APPOINTMENT—TERM—QUALIFICATIONS.

The members of the present State Board of Pharmacy shall serve until the expiration of the time for which they have been appointed, and they with their successors, shall constitute the "Kentucky Board of Pharmacy." At its regular meeting in each and every year, after the enactment of this law, the Kentucky Pharmaceutical Association shall select and submit to the Governor the names of five persons, who have had five years' experience in compounding and dispensing physicians' prescriptions in the Commonwealth of Kentucky, and the Governor shall, before the 1st day of October of each year, appoint from the names so submitted one person, as the term of each of those now holding office expires, who shall hold his office for five years, and until his successor is appointed and qualified, unless removed for cause. Any vacancy that may occur in said Board shall be filled for the unexpired term by the Governor from the names last submitted. Each member of said Board, shall with ten days after he receives his appointment, take and subscribe to an oath or affirmation, before a competent officer, to faithfully and impartially perform the duties of his office, which oath or affirmation shall be inscribed upon his commission. Not more than two members of said Board shall be residents of the same County. No member of said Board shall be reappointed within one year of the expiration of his term of office.

5. MEETINGS OF BOARD—OFFICERS—REPORTS TO GOVERNOR—MEETING TO EXAMINE APPLICANTS—BY-LAWS—QUORUM.

The Kentucky Board of Pharmacy shall meet in the month of January of each year, and organize by the election of a president, secretary, and treasurer, who shall be elected for a term of one year, and shall perform the duties prescribed by the Board. The president shall be elected from the members of the Board, but the secretary need not be a member of the Board. It shall be the duty of the said Board to examine all applicants for registration; to grant certificates of registration to such persons as may be entitled to the same under the provisions of this act; to report annually to the Governor and to the Kentucky Pharmaceutical Association upon the conditions of pharmacy in the Commonwealth, which report shall also furnish a record of the proceedings of said Board for the year, and also the names of all persons duly registered under this act, and shall include an account of all money received and expended from the Board. The Board shall keep a book of registration in which shall be entered the name and place of business of all persons registered under this act. The said Board shall hold meetings for the examination of applicants for registration, and the transaction of such other business as shall pertain to its duties, at least semi-annually, on the second Tuesday of January and July of each year in such cities as the Board may select and shall continue in session from day to day until its business is disposed of. The records of said Board, or a copy of any part thereof, certified by the secretary to be a true copy, attested by the seal of the Board, shall be accepted as competent evidence in all courts of this Commonwealth. The said Board shall have power to make by-laws for the proper execution of its duties under this act. Three members of said Board shall constitute a quorum.

6. SECRETARY, INSPECTORS AND EMPLOYEES— SALARY;—PAY OF MEMBERS.

The Secretary of said Board shall receive such salary as the Board may determine, which shall not exceed *fifteen* hundred (\$1500.00) Dollars a year. *He shall be permitted such office help as is deemed necessary by the Board.* He shall also receive his traveling and all necessary expenses incurred in the performance of his official duties.

The members of the Board shall receive the sum of *Fifteen* (\$15.00) Dollars for each day actually engaged in the service thereof. *They shall also receive mileage from their residence to meeting place and return, but shall receive reimbursement for no other expenses.* Said salaries and traveling expense shall be paid from the fees and penalties received by the Board under the provisions of this act. The secretary shall collect all money due the Board from all sources, and shall pay the same to the *State Treasurer on the 1st month following collection.*

The Board shall have the authority to employ such inspectors and other assistants as it may deem necessary to carry out the provisions of this Act.

7. REGISTERED PHARMACIST--WHO MAY BE— FEE — ASSISTANTS — PROPRIETOR of STORE, DUTY OF—APPLICATION FOR REGISTRATION.

Any person who is more than twenty-one years of age, of good moral character, possessing such standards of education, both academic and pharmaceutical, and such practical experience as the Kentucky Board of Pharmacy shall from time to time determine, filing written application, properly verified, setting forth his age, residence, education and practical experience as may be required, after passing a satisfactory examination to be conducted in the English language before the Kentucky Board of Pharmacy under such rules and regulations as the Board may determine, shall be entitled to a certificate as a registered pharmacist. The examination

fee shall not be less than ten dollars nor more than twenty-five dollars as said Board shall from time to time fix and shall be charged and collected for each examination taken by each applicant. Such persons who are now registered under the laws of this Commonwealth as registered assistant pharmacists shall continue to hold their status as registered assistant pharmacists; provided further immediately after the passage of this act and until October 1938, the Kentucky Board of Pharmacy shall, after due notice and at such times and places as it may determine, examine all persons now registered as assistant pharmacists, who are in good standing at the time of applying for examination as registered pharmacists, but said examination of said registered assistant pharmacists shall be a separate special examination of a practical nature and for which examination each applicant shall pay the fees herein provided for. Registered assistant pharmacists may have temporary charge of a drug store during the temporary absence of the registered pharmacist, but such absence shall not be for a period longer than thirty days in a calendar year. Whenever such absence is for a period of twenty-four consecutive hours or longer the proprietor, owner, manager or person in charge of said drug store or pharmacy shall immediately notify the secretary of the Kentucky Board of pharmacy the number of days his store will be in charge of a registered assistant pharmacist and shall give the name of said assistant. This provision shall not be employed as a subterfuge or trick to defeat the law requiring all drug stores or pharmacies to be in charge of a registered pharmacist; all drug stores or pharmacies must be in charge of a registered pharmacist, who shall devote all of his time to said drug store or pharmacy in good faith, except for the thirty days in each year allowed herein. Registered assistant pharmacists must devote their time exclusively to the one store at which they may be employed. Temporary absence as used here in shall mean only those unavoidable absences which may occur during a day's work and when the registered pharmacist in charge shall be

within call and ready and able to assume direct supervision of said pharmacy. Any proprietor, owner, manager, or person in charge of a drug store or pharmacy who shall fail to comply with the above provisions shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty nor more than one hundred dollars for each offense. Any person filing a false application of any of the facts required herein shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty dollars nor more than one hundred dollars, and shall have his certificate of registration revoked. Any registered pharmacist or registered assistant pharmacist who shall be convicted of a felony, or who is proven to be an addict to habit forming drugs, or who is an habitual drunkard, shall forfeit his certificate to practice pharmacy. All certificates hereafter issued shall have plainly written, printed or stamped upon the face thereof, the words, "revocable for causes specified by law" and "awarded upon examination." It is further provided that nothing in this act or any act seeks to limit, restrict or prohibit the sale of harmless drugs and patent medicines by any store in the Commonwealth of Kentucky, and the right of licensed physicians in active practice to keep drugs at any time or place to be used under their direction in the practice of their profession shall not be questioned or abridged; all laws in conflict are hereby repealed to the extent of such conflict.

8. PHARMACISTS REGISTERED UNDER FORMER LAW.

Persons who, at the time of the enactment of this law, hold certificates of registration as pharmacists, granted by the State Board of Pharmacy of Kentucky, shall not be required to register under this law, but shall apply for, and secure annual renewals thereof, as provided in this act, and in all other respects shall be amenable to the provisions of this act.

9. RENEWAL CERTIFICATE—ANNUAL FEE—PEN-
ALTY FOR FAILING TO OBSERVE LAW—EFFECT
OF FAILURE TO RENEW—MEMBERSHIP KEN-
TUCKY PHARMACEUTICAL ASSOCIATION.

Each registered pharmacist shall annually during the month of January, if he desires to continue in such business pay to the secretary of the Kentucky Board of Pharmacy a renewal fee, to be fixed by the board, which shall not exceed *six* (\$6.00) dollars, for which he shall receive a renewal of said registration. Each registered assistant pharmacist shall annually during the month of January, if he desires to continue in such business, pay to the secretary of the Kentucky Board of Pharmacy a renewal fee, to be fixed by the Board, which shall not exceed *four* (\$4.00) dollars for which he shall receive a renewal of registration; and each registered pharmacist and registered assistant pharmacist shall keep the same conspicuously exposed in his place of business. The Kentucky Board of Pharmacy shall each year turn over to the Kentucky Pharmaceutical Association for the advancement of the Art and Science of pharmacy, *out of the annual renewal fees collected by it, the sum of Two* (\$2.00) *dollars for each* registered pharmacist and registered assistant pharmacist who shall have paid his renewal fee during such year. Any registered pharmacist or registered assistant pharmacist who shall fail or neglect to procure his annual renewal of registration, or to comply with the other provisions of such section, shall forfeit his right to act either as a registered pharmacist or registered assistant pharmacist, at the expiration of sixty days from the time of notice of such failure to comply with the provisions of this section shall have been mailed to his last address by the secretary of the Board. The secretary of the Board shall annually publish a list of all persons who are duly registered pharmacists, and assistant pharmacists in this Commonwealth, and shall mail a copy of same to each registered pharmacist and assistant registered pharmacist. It shall be the duty of the secretary to erase from the register

the name of any registered pharmacist or assistant registered pharmacist, who may have died, or has forfeited his right under the law to do business in this Commonwealth. Any registered pharmacist, or registered assistant pharmacist who shall fail to secure his annual renewal registration for a period of five consecutive years shall not be entitled to renew his registration except upon passing a satisfactory examination before the Kentucky Board of Pharmacy.

10. PENALTY FOR ATTEMPTING TO PROCURE REGISTRATION WRONGFULLY — INTOXICATION.

Any person who shall procure, or attempt to procure, registration either as a registered pharmacist, or assistant registered pharmacist, for himself or another, by making or causing to be made, any false representations, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than one hundred dollars; and the name of the person so fraudulently registered shall be stricken from the register. Any person not a registered pharmacist; or registered assistant pharmacist as provided in this act, who shall take, use or exhibit the title of a registered pharmacist or registered assistant pharmacist shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to a penalty of not less than fifty dollars nor more than two hundred dollars. Any registered pharmacist or registered assistant pharmacist who shall be in the habit of being intoxicated shall be deemed guilty of a misdemeanor, and, upon conviction thereof, be liable to a penalty of not less than twenty-five nor more than fifty dollars for the first offense; and upon conviction of the second offense, in addition to such fine, his name shall be stricken from the register, and his certificate of registration revoked by the Kentucky Board of Pharmacy.

11. POISONS—HOW TO BE SOLD—REGISTER TO BE KEPT—PENALTY.

No person shall sell at retail any poisons, except as herein provided, without affixing to the bottle, box, vessel, or package containing same, a label printed or plainly written, containing the name of the article, the word "Poison", and the name and place of business of the seller, with the common name of two or more readily accessible antidotes, nor shall he deliver poison to any person without satisfying himself that such poison is to be used for legitimate purposes. A poison, in the meaning of this act, shall be any drug, chemical or preparation which, according to standard works on medicine or materia medica, is liable to be destructive to adult human life in quantities of sixty grains or less. It shall be the further duty of any one selling or dispensing poisons, which are known to be destructive to adult human life in quantities of five grains or less, before delivering them, to enter in a book kept for that purpose the name of the seller, the name and residence of the buyer, the name of the article, the quantity sold or disposed of, and the purpose for which it is said to be intended, which book of registry shall be preserved for at least two years after the date of the last entry made therein, and shall at all times be open to the inspection of the coroner of the county in which the same may be kept, and to the inspection of the members of the Kentucky Board of Pharmacy or its authorized inspectors.

The following emmenagogues or abortives: tansy, pennyroyal, rue, savin, ergot, cotton root and their preparations, patent or otherwise shall be sold only at retail or dispensed only upon the original written prescription of a legally qualified physician and said prescription shall be filled but once, and of which no copy shall be taken by any person. The provisions of this section shall not apply to the dispensing of poisons in not unusual quantities or doses, on physicians' prescriptions, nor to the sale to agriculturists or horticulturists of such articles as are commonly used by them as insecti-

cides. Every person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall pay a fine of not less than ten (\$10.00) dollars, nor more than one hundred (\$100.00) dollars.

12. PERSON NOT PHARMACIST WHO SELLS DRUGS
MUST HAVE QUALIFIED PHARMACIST IN
CHARGE.

Any person, or persons, not a registered pharmacist, may open, own or conduct a drug store or pharmacy, if he or they keep constantly in charge of the same a registered pharmacist; but shall not himself nor themselves sell or dispense drugs or medicines, except proprietary or patent medicines in original packages.

13. PERSONS AND ARTICLES EXEMPT FROM
OPERATION

Nothing in this act shall be construed so as to apply to, or in any manner interfere with the sale of the usual non-poisonous domestic remedies and medicines, and patent or proprietary medicine by *general stores in this Commonwealth*. Nothing in this act shall apply to, or in any manner interfere with the business of any licensed practicing physician or prevent him from supplying to his patients such articles as may seem to him proper, or with his compounding his own prescriptions.

14. PHARMACISTS EXEMPT FROM JURY SERVICE—
CIRCUIT JUDGE TO CHARGE GRAND JURY.

All pharmacists registered under this act while engaged in any store for retailing drugs, medicines, or poisons, shall be exempt from serving on a jury. All circuit judges are required to give this act in charge to each grand jury impaneled in their courts.

15. PROSECUTIONS FOR VIOLATIONS OF THIS LAW —DISPOSITION OF FINES.

Any prosecutions under this act shall be in the name of the Commonwealth of Kentucky, in any court having jurisdiction. It shall be the duty of the Kentucky Board of Pharmacy to investigate all complaints of disregard or non-compliance with, or violations of, the provisions of this act, and to bring all such cases to the notice of *the proper authorities in the district affected where such person is doing business*, and it shall be the duty of such county or *city* attorney to diligently prosecute to effect any such violations.

16. SALE AND POSSESSION OF MARIHUANA PROHIBITED: PENALTY FOR VIOLATION.

That the possession or sale of the narcotic drug marihuana, sometimes called "loco weed" or any derivative of the drug *cannibus americanus* within this state is hereby prohibited. Provided that the same be possessed, dispensed and sold by duly licensed wholesale druggists, registered pharmacists, legally qualified physicians, dentists and veterinary surgeons; and provided further that same may be sold and dispensed only by a registered pharmacist upon the original written dated and signed prescription of a legally licensed physician, dentist or veterinary surgeon and only one sale shall be made on said prescription. Said prescription shall state upon its face the quantity of the drug and the name of the patient and the date the prescription is filled. Any of such persons authorized to possess, sell and dispense said drug, who shall prescribe for, procure or sell or dispense to any person said drug, or otherwise deal in the same for any purpose other than for the legitimate use, or any person who shall forge or utter a forged prescription for the same, shall thereby render himself amenable to the penalties as herein provided. Any person violating the provisions of this act shall on first conviction be fined not less than \$100.00 nor more than

\$500.00 or shall be confined in jail for not less than 30 days nor more than one year or both so fined and imprisoned and upon a second conviction be confined in the penitentiary not less than one year nor more than five years. Any registered pharmacist, licensed physician, dentist or veterinary surgeon violating the provisions of this act in addition to the penalty herein provided on second conviction shall forfeit his certificate to practice pharmacy, medicine, or veterinary surgery.

17. SALE, POSSESSION OR DISPOSITION OF METHYL (OR WOOD) ALCOHOL FOR HUMAN USE IN EXTERNAL OR INTERNAL APPLICATION PROHIBITED.

No person shall sell, offer for sale, give away, deal in or supply or have in his possession with the intent to sell, offer for sale, give away, deal in or supply any article of food or drink or any medicinal or toilet preparation intended for human use internally or externally which contains any methyl alcohol, otherwise known as wood alcohol or wood naphtha, either crude or refined, under or by whatever name or trademark the same may be called or known, or which contains denatured alcohol containing methyl or wood alcohol.

18. SALE, POSSESSION OR DISPOSITION OF SUCH ARTICLES WITHOUT PROPER LABEL PROHIBITED.

No person shall sell, offer for sale, give away, deal in or supply, or have in his possession with intent to sell, offer for sale, give away, deal in or supply any methyl alcohol, otherwise known as wood alcohol or wood naphtha, either crude or refined, under or by whatever name or trademark the same may be called or known, unless the container in which the same is kept, sold, offered for sale, given away, dealt in or supplied shall bear a notice containing the following device and words conspicuously printed or stenciled or typewritten thereon, viz:

“Skull and Cross-Bones—Poison—Wood Alcohol or Wood Naptha—Warning—Wood Alcohol is poisonous, and when inhaled or swallowed may cause blindness or death. It is unlawful to use this fluid in any way either internally or externally for the human body.”

19. SALE, POSSESSION OR DISPOSITION OF DENATURED ALCOHOL CONTAINING S U C H SUBSTANCE WITHOUT PROPER LABEL PROHIBITED.

No person shall sell, offer for sale, give away, deal in or supply, or have in his possession with intent to sell, offer for sale, give away, deal in or supply any denatured alcohol that contains methyl or wood alcohol, unless the container in which the same is kept, sold, offered for sale, given away, dealt in or supplied shall bear a notice containing the following device and words conspicuously printed or stenciled or typewritten thereon, viz.:

“Skull and Cross-Bones—Poison—Denatured Alcohol—Warning. This fluid contains wood alcohol, and if inhaled or swallowed, may cause blindness or death. It is unlawful to use this fluid in any way, either internally or externally for the human body.”

20. PROVISIONS CONCERNING LABELS IS SUPPLEMENTARY.

Nothing in this act shall be construed as interfering with any other requirement of the law as to labels.

21. PENALTY FOR VIOLATION.

Any person, firm or corporation violating any of the provisions of this act shall be guilty of a misdemeanor and shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00), or by imprisonment of not less than ten (10) days nor more than fifty (50) days, or by both such fine and imprisonment.

At the instance of the Committee on Rules, Senator Hettiger offered the following amendments to said bill, viz:

Amendment No. 1. Amend House Bill 219, Page 2, Section 3, Line 1 by adding after the word "store" the following: "or manufacturer of pharmaceutical or proprietary preparations".

Amendment No. 2. Amend House Bill 219, Page 2, Section 3, Line 3, by adding after the word "store" and before the letter "a" in said line 3 the following: "or place where pharmaceutical or proprietary preparations are manufactured"

Amendment No. 3. Amend House Bill 219, Page 2, Section 3, Line 11 by adding after the word "store" and before the word "to" in said line 11 the following: "or place where pharmaceutical or proprietary preparations are manufactured"

Amendment No. 4. Amend House Bill 219, Section 12, Line 2, by adding after the word "pharmacy" the following: "or manufacture pharmaceutical or proprietary preparations"

Amendment No. 5. Amend House Bill 219, Page 10, Section 12, by amending the title of said section by adding after the word "sells" the words "or manufactures"

Said amendments were each and severally agreed to.

Senator Melton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Paul L. Sidebottom
Paul M. Basham	Leo King	John A. Sugg, Jr.
Ollie J. Bowen	J. W. McDonald	Jos. P. Tackett
Leer Buckley	Stanley B. Mayer	J. E. Trager
Dr. D. H. Bush	Strother Melton	E. T. Wesley
Waller A. Crockett	E. C. Moore	Otis White
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
Lee Gibson	Dr. R. C. Moss	B. M. Williams
Ralph Gilbert	Ray B. Moss	J. E. Wise

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Resolved that the title thereof be as aforesaid.

Senator Melton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 392. An Act relating to the improvement of the

streets, alleys and other public ways and sidewalks including curb and gutter or parts thereof in cities of the second, third, fourth, fifth and sixth classes by contract with or in cooperation with the Works Progress Administration or other agency or agencies of the United States Government or of the State of Kentucky and providing for the assessment of the abutting property owners to raise money for that purpose and granting a lien against the property of said abutting property owners to secure the payment of said assessment in ten equal installments over a period of ten years and the sale and issue of bonds by the city and providing for the enforcement of said lien and the collection of said assessment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That this act provided an alternative method for the improvement of streets, alleys and other public ways and sidewalks including curbs and gutters and does not conflict with or repeal any part of any act now in force providing for the improvement of such public ways, streets, alleys and sidewalks.

§ 2. The common council or the board of commissioners in cities of the second, third, fourth, fifth and sixth classes may by ordinance provide for the improvement of streets, alleys and other public ways and sidewalks including curbs and gutters or parts thereof in cooperation with the Works Progress Administration of the United States Government or any other agency of the Federal or State Government. The improvement of any public way by original building or reconstruction or by resurfacing of a foundation already in place shall be deemed an improvement within the provisions of this act.

The improvement of such public ways contemplated by this act may be made by the Works Progress Administration or other agency of the Federal or State Government and at

the exclusive cost of the owners of real estate abutting on such improvement to be apportioned among and assessed upon the lots or parcels of real estate abutting on such improvement according to the number of front or abutting feet and a tax shall be levied upon such lots or parcels or real estate for the payment of the cost assessed thereon, which cost shall be the difference between the total cost of completing said improvement and the total amount of the contribution of the Works Progress Administration or other agency of the Federal or State Government engaged in making said improvement, which tax shall be due and payable at the office of the City Treasurer when said improvement shall have been completed which time shall be determined by the Board of Commissioners or City Council of said city with the advice of the City Engineer. Upon petition of more than fifty per cent of the property owners affected by said improvement the Board of Commissioners or the City Council may by ordinance duly adopted and enacted by a majority vote of its members at a regular meeting of the said council may cause any such improvement to be made and the assessments against the property owners paid upon the ten year bond plan as hereinafter provided.

§ 3. Whenever any work done hereunder upon the ten year bond plan has been completed and accepted and the property owner whose property has been assessed does not pay the total of this assessment to the City Clerk when said improvement shall have been accepted, the City Council shall issue the bonds of the city in sums not to exceed the cost of said improvement and all expenses in connection therewith including the expenses of the issuance and sale of said bonds and shall sell the same to the highest and best bidder after due advertisement, at a price not less than par and accrued interest. Said bonds shall be divided into ten series, each series to be as nearly equal as possible. Said series to be paid respectively in one, two, three, four, five, six, seven, eight, nine and ten years after date. Said bonds shall be of a de-

nomination of One Hundred (\$100.00) Dollars or multiple thereof not exceeding Five Hundred (\$500.00) Dollars and shall bear interest at a rate not to exceed 6% per annum and shall be payable at a Kentucky bank to be designated by the Board of Commissioners or City Council and the holders or owners of said bonds shall be given a first and superior lien which lien shall be superior to any and all liens except for state, County schools or city taxes on the property lots or parcels of real estate so assessed for said improvements to fully secure the payment of said bonds and any and all accrued interest thereon and the cost of collection, if any.

§ 4. All moneys arising from the sale of bonds provided for herein shall be kept by the City Treasurer in a separate fund to be known as the street improvement fund and the Treasurer shall pay out of the said fund all orders which the City Council shall direct paid for any street improvement provided for herein and shall keep all money accruing or arising under the provision hereof in the same manner and subject to all the regulations regarding other money of the city except that he shall keep a separate account of the same and credit all interest arising therefrom to said street improvement fund and said city Treasurer shall be responsible under his official bond as City Treasurer for all the money accruing or received by him hereunder and for the faithful performance of the duties herein required of him.

§ 5. The assessment against the property owners for improvements mentioned and set out in the preceding section of this act, shall be made as soon as the improvement is fully completed and accepted and the sum assessed against each lot or parcel of lots or piece of property and also the names of owners thereof who do not pay the whole of their assessment in cash at the time of the assessment shall be placed upon the tax list of the city and shall be payable to the City Treasurer in ten equal annual installments with interest at the same rate per annum which said bonds bear upon the unpaid portion thereof. The first installment with interest on the whole

amount at the rate per centum shall be payable at the time of the first payment of the city taxes next succeeding the time such assessment is placed upon the tax list becomes due and the remaining unpaid installments annually thereafter and always at the time of the payment of other city taxes with interest at said rate on the installments not due at the time until all unpaid installments shall have been paid. The assessments may be collected like other city taxes, or the city may at any time, after any installment remains delinquent for thirty days, by suit in equity enforce the lien for all unpaid installments both those so delinquent and the remaining unpaid installments assessed against the delinquent property with interest at said rate thereon to the date of satisfaction thereof and in any such action an allegation in substance that the improvement has been made and the work accepted pursuant to and by ordinance of the City Council or Commissioners duly passed in accordance with law, shall be a sufficient pleading of the ordinance and proceedings under which the work was done and accepted without setting out same in full. In default of payment of any such installment or tax or interest for thirty days after same becomes due as herein stated a penalty of ten percentum of the installment so in arrears shall be added and it shall constitute a like lien as a tax and all unpaid installments of the tax assessed against such property so in default shall at the option of the city or any bondholder whose bond or bonds or interest thereon are in default forthwith become due and payable. Any such action shall be prosecuted in the name of the city for the benefit of any and all bondholders whose bonds or interest thereon are in default and in any such action such lien shall be enforced for the payment of all unpaid installments assessed against such property with all interest thereon and for such added penalty and the cost of the action.

§ 6. The assessments herein provided under the provisions hereof together with the interest accruing thereon shall be and constitute a lien upon the property fronting or abutting

or bordering upon the streets or improvement from the date of the passage of the ordinance authorizing the improvement made and shall remain a lien until fully paid off including interest and cost, having precedence over all other liens except for state, county schools and city taxes and said liens shall not be defeated or postponed by any judicial sale or by any mistake in the description of the property or in the name or names of the owners thereof.

§ 7. The owner or owners of lots or parts of lots or land now or may at any time after the assessment for a street or sidewalk improvement is made hereunder may pay off in full the whole amount up to and including the next ensuing date provided for the payment of city taxes and the lien herein established shall be satisfied by such payment, if any owner or owners of property shall divide his property so that the number of feet fronting the improvement is separated in small lots or tracts, the lien may be discharged in like manner upon any one or more of the separate lots or tracts by the payment of the amount thereon or the lien may be apportioned to the new owners by the City Clerk, calculated by the rate of the foot front of such lot, lots or parcels of lots to the front of the original tract.

§ 8. All money received from the assessment herein provided for shall be apportioned upon the order of the City Council or Board of Commissioners or upon the order of the City Treasurer to the payment of the interest and to the redemption of the bonds which may be issued for the improvements herein provided for. No property shall be exempt from such improvement tax. There shall be a lien upon such lots or parcels of real estate for the portion of the cost of such improvement so assessed against them and said assessment shall bear interest at said rate per annum from the time that it becomes due under the provisions of this act until it is paid. Said lien to secure the payment of said assessment shall be superior to all others except the lien for state, county school and city taxes.

§ 9. Any assessment for any such improvement, as provided for in this act, which exceeds one-half of the value of the lots or parcels of real estate upon which the assessment is made, shall be void as to such excess, but the improvements shall be taken into consideration in fixing the value of such real estate and the City Council or said Board of Commissioners shall provide for the payment of any such excess out of the general fund.

§ 10. If any property abutting on the improvement provided for herein be owned by any county or county school board or other boards of education, said property shall be subject to the assessment for the improvement herein provided for the same as any other property, and said county, or county school board or other boards of education shall pay in cash such portion of the tax as may be assessed against it, and the lien herein provided for to secure the payment of said assessment and tax shall apply to and attach to the said property or properties owned by any county, county school board or other boards of education, and the same right of action for the collection of such tax shall lie against the county, county school board or other boards of education as is provided against any abutting owner.

§ 11. All funds paid to the City Treasurer assessed under the provisions of this act for the improvement of any public way shall be kept in a separate account by said treasurer and used only for the purposes for which they were assessed and said treasurer shall keep a book which shows accurately the amount of said assessment, the name of the owner of the property against which the assessment has been made and the payment and the dates thereof.

§ 12. Before the City Council or the Board of Commissioners shall order the improvement of any street, alley, public way, sidewalk, curb, gutter or other public way or any part thereof under the provisions of this act, it shall adopt a resolution designating the street or public way or part thereof proposed to be improved, setting out in general terms the char-

acter and extent of the proposed improvement and declare such improvement to be a public necessity. Such resolution shall be published in at least one issue of a newspaper of general circulation, published in such city at least seven days before the ordinance ordering such improvement shall have its final passage. At any time prior to the final passage of said ordinance ordering said improvement, the owners of more than 50% of the abutting property may file a written petition designating the materials to be used in the construction of that part of the improvement for the cost of which the abutting property would be liable or may file a written protest against the improvement. Such petition of protest shall be filed with the mayor and he shall transmit the same for the City Council or Board of Commissioners at its next meeting after he receives it. Should such petition be filed, as above provided, the improvement of that part of the street for the cost of which the abutting property is liable shall not be made with any other material than that designated in the petition unless the ordinance therefor be passed by a two-thirds vote of the members elect of the City Council or said Board of Commissioners. Should a written protest be filed against said improvement, as above provided, the improvement shall not be made unless the ordinance therefor be passed by a two-thirds vote of the members elect of the City Council or said Board of Commissioners.

§ 13. All acts and parts of acts in conflict herewith are hereby repealed.

§ 14. Whereas many of the cities of the second, third, fourth, fifth and sixth classes to which this act is applicable are now without adequate streets, public ways and sidewalks thus endangering the safety and convenience of the inhabitants thereof and whereas the Works Progress Administration is offering to extend its facilities to aid in the construction of of such streets, public ways and sidewalks, it is necessary that said cities be equipped to take advantage of such offer at once; therefore, an emergency is declared to exist and this act shall

take effect immediately upon its passage and approval by the Governor.

Senator Gibson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leo King	Paul L. Sidebottom
Aubrey Barbour	J. W. McDonald	John A. Sugg, Jr.
H. Stanley Blake	Stanley B. Mayer	J. E. Trager
Ollie J. Bowen	Strother Melton	E. T. Wesley
Edwin C. Dawson	E. C. Moore	Otis White
Lee Gibson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Dr. R. C. Moss	
John M. Hall	Ray B. Moss	

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Those who voted in the negative were—

Paul M. Basham	Wm. H. Jones, Jr.	Thomas O. Turner
Leer Buckley	Ervine Turner	

—5

Resolved that the title thereof be as aforesaid—

Senator Gibson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 320. An Act relating to the improvement of streets, alleys and other public ways and sidewalks including curb and gutter or parts thereof in cities of the second, third, fourth, fifth and sixth classes by contract with or in cooperation with the Works Progress Administration or other agency of the Federal Government or of the State of Kentucky and providing for the assessment of the abutting property owners to raise money for that purpose and granting a lien against the property of said abutting property owners to secure the payment of said assessment and providing for the enforcement of said lien and the collection of said assessment.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That this act provides an alternative method for the improvement of streets, alleys and other public ways and sidewalks including curbs and gutters, and does not conflict with or repeal any part of any act now in force providing for the improvement of such public ways.

§ 2. The common council or the board of commissioners in cities of the second, third, fourth, fifth and sixth classes may by ordinance provide for the improvement of streets, alleys and other public ways and sidewalks including curbs and gutters or parts thereof in cooperation with the Works Progress Administration or any other agency of the Federal

or State Government. The improvement of any public way by original building or reconstruction or by resurfacing of a foundation already in place shall be deemed an improvement within the provisions of this act.

The improvement of such public ways contemplated by this act shall be made by the Works Progress Administration or other agency of the Federal or State Government and at the exclusive cost of the owners of real estate abutting on such improvement to be apportioned among and assessed upon the lots or parcels of real estate abutting on such improvement according to the number of front or abutting feet and a tax shall be levied upon such lots or parcels of real estate for the payment of the cost assessed thereon, which cost shall be the difference between the total cost of completing said improvement and the total amount of the contribution of the Works Progress Administration or other agency of the Federal or State Government engaged in making said improvement, which tax shall be due and payable at the office of the City Treasurer, one-half thereof when the work of construction begins and the remainder thereof when one-half of said improvement shall have been completed which time shall be determined by the Board of Commissioners of said city with the advice of the city engineer. No property shall be exempt from such improvement tax. Any such tax which is not paid within ten days after same becomes due shall have added thereto a penalty of 6% and there shall be a lien upon such lots or parcels of real estate for the portion of the cost of such improvement so assessed against them and said sum shall bear interest at the rate of 6% per annum from the time that it become due under the provisions of this act until it is paid. Said lien to secure the payment of said assessment shall be superior to all others except the lien for state, county and city taxes.

§ 3. Any assesment for any such improvement, as provided for in this act, which exceeds one-half of the value of the lots or parcels of real estate upon which the assessment is made, shall be void as to such excess, but the improvements

shall be taken into consideration in fixing the value of such real estate and the common council or said Board of Commissioners shall provide for the payment of any such excess out of the general fund.

§ 4. If any property abutting on the improvement be owned by any county or other governmental agency it shall pay in cash such portion of the tax as may be assessed against it and the same right of action for collection of such tax shall lie against the country, as is provided against any abutting owner.

§ 5. All funds paid to the City Treasurer assessed under the provisions of this act for the improvement of any public way shall be kept in a separate account by said treasurer and used only for the purposes for which they were assessed and said treasurer shall keep a book which shows accurately the amount of said assessment, the name of the owner of the property against which the assessment has been made and the payments and the dates thereof.

§ 6. Before the common council or the board of commissioners shall order the improvement of any street, alley, public way, sidewalk, curb, gutter or other public way or any part thereof under the provisions of this act, it shall adopt a resolution designating the street or public way or part thereof proposed to be improved, setting out in general terms the character and extent of the proposed improvement and declare such improvement to be a public necessity. Such resolution shall be published in at least one issue of a newspaper of general circulation, published in such city at least seven days before the ordinance ordering such improvement shall have its final passage. At any time prior to the final passage of said ordinance ordering said improvement, the owners of more than 50% of the abutting property may file a written petition designating the materials to be used in the construction of that part of the improvement for the cost of which the abutting property would be liable or may file a written protest against the improvement. Such petition or protest

shall be filed with the mayor and he shall transmit the same to the common council or board of commissioners at its next meeting after he receives it. Should such petition be filed, as above provided, the improvement of that part of the street for the cost of which the abutting property is liable shall not be made with any other material than that designated in the petition unless the ordinance therefor be passed by a two-thirds vote of the members elect of the common council or of said board of commissioners. Should a written protest be filed against said improvement, as above provided, the improvement shall not be made unless the ordinance therefor be passed by a two-thirds vote of the members elect of the common council or said board of commissioners.

§ 7. All acts and parts of acts in conflict herewith are hereby repealed.

§ 8. Whereas many of the cities of the second, third, fourth, fifth and sixth classes to which this act is applicable are now without adequate streets and public ways, thus endangering the safety and convenience of the inhabitants thereof and whereas the Works Progress Administration is offering to extend its facilities to aid in the construction of such street and public ways and it is necessary that said cities be equipped to take advantage of such offer at once; therefore, an emergency is declared to exist and this act shall take effect immediately upon its passage and approval by the Governor.

Senator Gibson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leo King	Paul L. Sidebottom
Aubrey Barbour	J. W. McDonald	John A. Sugg, Jr.
Stanley H. Blake	Stanley B. Mayer	J. E. Trager
Ollie J. Bowen	Strother Melton	E. T. Wesley
Edwin C. Dawson	E. C. Moore	Otis White
Lee Gibson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Dr. R. C. Moss	
John M. Hall	Ray B. Moss	

—22

Those who voted in the negative were—

Paul M. Basham	Wm. H. Jones, Jr.	Thomas O. Turner
Leer Buckley	Ervine Turner	

—5

Resolved that the title thereof be as aforesaid—

Senator Gibson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 221. An Act relating to the sale, control and licensing of the sale of appliances, drugs and medical prepara-

tions intended or having special utility for the prevention of venereal diseases.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That no appliance intended or having special utility for the prevention of venereal diseases, shall be advertised (except in periodicals, the circulation of which is substantially limited to physicians and the drug trade, or kept except for personal consumption, displayed, sold, offered for sale, or otherwise disposed of in the State of Kentucky, without a license therefor issued by the State Board of Pharmacy, as hereinafter provided, authorizing such sale, except that this section shall not apply to physicians and medical practitioners regularly licensed to practice medicine in the State of Kentucky by the board of medical examiners.

§ 2. There shall be three kinds of licenses issued hereunder by the State Board of Pharmacy, to-wit:

(a) Manufacturers licenses, (b) Wholesale licenses and (c) Retail licenses. Such licenses shall be in writing and one such license shall be obtained by the licensee for each store, loft or salesroom from which sales are to be made. Such licenses shall not be publicly displayed, but same shall be at any time exhibited by the licensee or holder thereof to any authorized person who shall demand an inspection thereof.

§ 3. Manufacturers licenses shall be issued only to actual manufacturers of appliances intended or having special utility for the prevention of venereal diseases and sales thereunder shall be authorized only to those holding licenses to sell under this act or to physicians and medical practitioners, as provided in Section 1.

§ 4. Wholesale licenses shall be issued only to wholesale druggists and sales thereunder shall be authorized only to those holding licenses to sell under this act or to physicians and medical practitioners as provided in Section 1.

§ 5. Retail licenses shall be issued only to retail drug stores operated by or employing one or more registered pharmacists. Sales thereunder shall be made only from the prescription counter of such drug stores and only by a registered pharmacist. No articles of the class specified in Section 1 of this act shall be sold, offered for sale or given away through the medium of any vending machine, or by any house to house or street solicitation.

§ 6. Only such goods of the class specified in Section 1 of this act shall be sold in this state as specifically identifying the manufacturer thereof by firm name and address on the appliance and on the container in which the goods are sold or are intended to be sold, whether at wholesale or at retail, nor shall any such goods be sold in this state unless same shall be in compliance with the standards as to such goods, respecting grade, and quality, which shall be prescribed by the State Board of Pharmacy.

§ 7. No prophylactic rubber or appliance having special utility for the prevention of venereal diseases shall be sold or otherwise disposed of, or become the subject of a license, unless it is capable of enduring inflation with one cubic foot of air and is free from holes, imperfect rings or blisters. No animal membrane appliance or device shall be sold or otherwise disposed of, or become the subject of a license, unless it is unpatched, free from holes, free from any foreign substance that may be used as a filler for concealing imperfections or discolorations and is at least nine inches in length.

The State Board of Pharmacy of the State of Kentucky is hereby authorized to adopt all rules and regulations to enforce and carry out the provisions of this act.

§ 8. It shall be unlawful for any person, firm, corporation, copartnership or association to display or expose for sale any of the articles described in Section 1 of this act, or any containers or packages containing or advertising same. It shall be unlawful to publicly advertise the sale or uses of same on any placards, billboards, handbills, newspapers,

periodicals, signs or other printed matter or by radio; but the prohibition of this section respecting advertising shall not apply to medical and drug publications, the circulation of which is confined substantially to physicians and the drug trade, or to literature enclosed in or around the original package.

§ 9. All licenses shall be issued by the State Board of Pharmacy on written application, and payment of an annual license fee of fifty dollars (\$50.00) for each manufacturer's license, fifty dollars (\$50.00) for each wholesale license and ten dollars (\$10.00) for each retail license; each licensee to obtain as many licenses and to pay the fee herein prescribed for each license required where the sales are to be made from more than one store or salesroom. Such license shall be in effect for one year from January 1st of each year. All such license fees, as shall be obtained from issuing the above licenses, shall be retained and used by the said Board of Pharmacy in the administration and enforcement of the terms of this act, but shall be received and disbursed in the same manner as other state revenue.

§ 10. Any officer or other person authorized to enforce the terms of this act shall confiscate all merchandise in the hands of a licensee or violator at the time of the arrest and said merchandise shall be impounded until the outcome of the trial of the licensee or violator. If said licensee or violator is found guilty, said merchandise seized shall be destroyed by the said Board of Pharmacy, and if said licensee or violator is found not guilty, said merchandise shall be returned to him.

§ 11. The State Board of Pharmacy shall have the power to revoke any license for a third violation of any of the provisions of this act, by notice in writing to the holder of such license (whether said violation be committed by retailer, wholesaler or manufacturer.)

§ 12. Any person, firm, corporation, or member of firm, or officer, director or employee of a corporation, who violates any provisions of this act shall, upon conviction, be

punished by a fine of not less than one hundred dollars (\$100.00) or shall be imprisoned in the county jail for a period of not more than ninety (90) days, or by both fine and imprisonment.

§ 13. The State Board of Pharmacy shall prepare, print and distribute rules and regulations not inconsistent with law, for the conduct of proceedings for the issue, enforcement and revocation of the license provided herein.

Senator Hettinger moved that said bill be laid on the table.

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the affirmative were—

Dr. D. H. Bush	Ray B. Moss	O. C. Whitfield	
Edwin C. Dawson	Ira W. See	B. M. Williams	
J. Joseph Hettinger	J. E. Trager		
Stanley B. Mayer	Ervine Turner		—10

Those who voted in the negative were—

Wm. R. Attkisson	John M. Hall	Dr. R. C. Moss	
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.	
Stanley H. Blake	Wm. H. Jones, Jr.	Jos. P. Tackett	
Ollie J. Bowen	Leo King	E. T. Wesley	
Leer Buckley	J. W. McDonald	Otis White	
Waller A. Crockett	Strother Melton		
Ralph Gilbert	J. Lee Moore		—19

Whereupon, said motion was disagreed to.

Senator Hettinger then moved that the enacting clause be stricken from said bill.

Said motion was disagreed to.

Senator Buckley moved the Previous Question.

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	J. Lee Moore
Aubrey Barbour	John M. Hall	Dr. R. C. Moss
Stanley H. Blake	Wm. H. Jones, Jr.	Paul L. Sidebottom
Leer Buckley	Leo King	John A. Sugg, Jr.
Dr. D. H. Bush	J. W. McDonald	Jos. P. Tackett
Waller A. Crockett	Strother Melton	E. T. Wesley

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Those who voted in the negative were—

Paul M. Basham	Stanley B. Mayer	Ervine Turner
Edwin C. Dawson	Ray B. Moss	Otis White
J. Joseph Hettinger	Ira W. See	O. C. Whitfield
H. Watt Hillman	J. E. Trager	B. M. Williams

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Resolved that the title thereof be as aforesaid.

Senator Tackett moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 256. An Act to exempt single unit stores from filing reports and paying the license tax as heretofore required by repealing, amending, and re-enacting Sections 4202a-15 and 4202a-17 of Carroll's Kentucky Statutes, 1936 Edition, to provide for the proration of such license tax among multiple owners of the tax subject and to require merchants to file reports with and pay the tax to the Department of Revenue.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Sections 4202a-15 and 4202a-17 of Carroll's Kentucky Statutes, 1936 Edition, are hereby repealed, amended and re-enacted to read as follows:

4202a-15. Statement filed with Department. Every merchant owning, operating or controlling any stores, stands or places of business in this State shall, on or before July 1, 1934, and annually thereafter, file with the Department of Revenue a statement, under oath or affirmation, on such forms as the Department may prescribe, giving the number and location of each separate store, stand or place of business, and pay the State license or excise tax due under the provisions of this Act.

4202a-17. License Taxes. "Every merchant establishing, operating or maintaining a chain of two or more stores, stands or places of business within this State, shall pay annually the license tax hereinafter prescribed for the privilege of operating, establishing, operating or maintaining such stores, stands or places of business. The license tax herein prescribed shall be as follows:

(1) On all chains of more than one, but not more than five stores, two dollars (\$2.00) plus twenty-five dollars (\$25.00) for each said store in excess of one;

(2) On all chains of more than five, but not more than ten stores, one hundred and two dollars (\$102.00) plus fifty dollars (\$50.00) for each said store in excess of five;

(3) On all chains of more than ten, but not more than twenty stores, three hundred and fifty-two dollars (\$352.00) plus one hundred dollars (\$100.00) for each store in excess of ten;

(4) On all chains of more than twenty, but not more than fifty stores, one thousand three hundred and fifty-two dollars (\$1,352.00) plus two hundred dollars (\$200.00) for each store in excess of twenty;

(5) On all chains of more than fifty, seven thousand three hundred and fifty-two dollars (\$7,352.00) plus three hundred dollars (\$300.00) for each said store in excess of fifty.”

Senator Gibson moved the Previous Question.

Whereupon, the President of the Senate announced, “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	John A. Sugg, Jr.
Aubrey Barbour	Wm. H. Jones, Jr.	Jos. P. Tackett
Paul M. Basham	J. W. McDonald	J. E. Trager
Stanley H. Blake	Stanley B. Mayer	Ervine Turner
Ollie J. Bowen	Strother Melton	E. T. Wesley
Dr. D. H. Bush	E. C. Moore	Otis White
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
Lee Gibson	Dr. R. C. Moss	B. M. Williams
Ralph Gilbert	Ray B. Moss	J. E. Wise
John M. Hall	Paul L. Sidebottom	

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Resolved that the title thereof be as aforesaid—

Senator Gibson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 233. An Act to repeal, amend and re-enact Section 4281e-8 of Carroll's Kentucky Statutes, Baldwin's 1936 Revised Edition, and Section 4281e-10 of Baldwin's 1937 Supplement to Carroll's Kentucky Statutes, being part of an Act entitled "An Act concerning Revenue and Taxation", and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 4281e-8 of Carroll's Kentucky Statutes, Baldwin's 1936 Revised Edition, and Section 4281e-10 of Carroll's

Kentucky Statutes, Baldwin's 1937 Supplement, are hereby repealed, amended and re-enacted so that as amended and re-enacted they shall read as follows:

Section 4281e-8. *Penalty for failure to affix stamps: possession prima facie evidence of sale.*—Any person required by this Act to affix the stamps as provided by this Act who shall fail properly to affix the stamps within the time prescribed by law, shall be required to pay as a part of the tax imposed herein a penalty equal to one hundred per cent (100%) of the amount of the tax to be assessed and collected by the Department as other taxes are collected, and such tax and penalty thereon shall bear interest at the rate of six per cent (6%) per annum.

It is further provided that it shall be unlawful for any wholesaler, retailer or other person to possess for the purpose of sale any cigarettes to which the stamp or stamps required under this Act are not affixed within this time prescribed or for any person to violate any reasonable rule or regulation promulgated or prescribed by the Department; and any such wholesaler, retailer and their agents, representatives and employees or any other person who shall violate any of the provisions of this Act for which a specific penalty has not been provided shall be deemed guilty of a misdemeanor and shall be fined in a sum of not less than twenty-five dollars (\$25.00) and not more than five hundred (\$500.00) for the first offense; and for each subsequent violation shall be punished by a fine of not less than fifty dollars (\$50.00) and not more than one thousand dollars (\$1,000.00) and, in case the offender is an individual, may be imprisoned in the county jail not exceeding six (6) months, or both. Such fines shall be in addition to other fines and penalties herein prescribed.

Mere possession of a package or packages of cigarettes by wholesalers, retailers or any person to which a stamp or stamps have not been affixed, except under circumstances specifically prescribed by this Act, shall be prima facie evidence that such articles are intended for sale.

Section 4281e-10. *Department to prescribe forms: allowances for affixing stamps.*—The Department is hereby authorized and directed to prescribe the forms of the stamps herein provided for. It shall have such stamps prepared for sale in such a manner as it may deem proper. Such stamps shall be sold at their face value; provided, however, the Department shall allow each wholesaler required or authorized by the Department to purchase and affix cigarette tax stamps, for each one dollar's worth of stamps purchased at their face value from the Department and actually affixed by said wholesaler, an amount of stamps equal to ten cents at their face value as compensation for the affixing of said stamps and making such reports as the Department may require. Said allowance shall be made only when the Department shall be satisfied that the stamps so purchased were actually used as provided by the Department and the required reports made.

Be it provided, however, that the said allowance shall be increased by fifty per cent (50%) thereof for the period of the first sixteen months from January 18, 1937; provided that the additional fifty per cent (50%) shall in no event in the aggregate paid to any given wholesaler exceed ten per cent (10%) of the face value of stamps purchased by said wholesaler prior to January 18, 1937. In no event shall the additional fifty per cent (50%) be allowed any wholesaler who did not have a place of business in this Commonwealth before January 18, 1937.

The method of breaking packages and containers and the methods of affixing stamps shall be prescribed by the Department in such a way as to enforce the provisions of this Act.

Whereas the revenue of the Commonwealth is being endangered, an emergency is hereby declared to exist, and this Act shall become a law and be effective upon the fifth calendar day from the date of its passage and approval by the Governor.

Senator J. Lee Moore moved the Previous Question.

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of
 said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said
 bill in accordance with the provision of the Constitution were
 as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Paul L. Sidebottom
Aubrey Barbour	Leo King	John A. Sugg, Jr.
Paul M. Basham	J. W. McDonald	Jos. P. Tackett
Stanley H. Blake	Stanley B. Mayer	J. E. Trager
Leer Buckley	Strother Melton	Ervine Turner
Edwin C. Dawson	E. C. Moore	Thomas O. Turner
Lee Gibson	J. Lee Moore	E. T. Wesley
Ralph Gilbert	Dr. R. C. Moss	Otis White
John M. Hall	Ray B. Moss	B. M. Williams
J. Joseph Hettinger	Ira W. See	J. E. Wise

—30

Those who voted in the negative were—

Waller A. Crockett Wm. H. Jones, Jr.

—2

Resolved that the title thereof be as aforesaid—

Senator J. Lee Moore moved that the vote by which said

bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 270. An Act to repeal, amend and re-enact Section 2768 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2768 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be repealed, amended and re-enacted so that said Section when amended and re-enacted shall read as follows:

Section 2768. Legislative body, term, qualifications, official oath.—Members of the legislative body shall take office on the first day of December, next succeeding their election, and shall hold office for a term of two years. They shall be at least twenty-five years of age, and shall be house-keepers or owners of real estate in the city. They shall hold no other civil office. They shall not be directly or indirectly interested in any contract with said city, or in any application therefor, or a candidate for or hold any office or employment for pay in any company or corporation which holds or is an applicant for any contract with the city. Stockholders in corporations may be eligible, but shall not vote on or interfere, directly or indirectly, with any matters or question affecting a contract between such company and the city, or its rights or duty under the same. No person while in arrears to the city for money collected shall be a member of the legislative body.

Before any member elect shall take his seat in the legislative body, he shall make an oath or affirmation that he has the qualifications and is free from the disqualifications prescribed herein.

Senator Mayer moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
Stanley H. Blake	J. W. McDonald	Thomas O. Turner
Ollie J. Bowen	Stanley B. Mayer	E. T. Wesley
Leer Buckley	Strother Melton	Otis White
Dr. D. H. Bush	E. C. Moore	O. C. Whitfield
Edwin C. Dawson	J. Lee Moore	B. M. Williams
Lee Gibson	Dr. R. C. Moss	J. E. Wise
Ralph Gilbert	Ray B. Moss	
John M. Hall	Ira W. See	

—31

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 267. An Act entitled An Act to amend Section 2801b-3 and 2801b-9 of Kentucky Statutes relating to the establishment and maintenance of Free Public Libraries in cities of first class, and to increase the amount which such libraries may be permitted to borrow.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 2801b-3 be amended by striking therefrom the last two paragraphs which read as follows:

“The board of trustees of free public library of any city of the first class is hereby given authority to mortgage any or all real property or personal property owned by such library to secure any indebtedness due from the said corporation.

The said mortgage not to exceed the sum of three hundred and twenty-five thousand dollars (\$325,000.00).”
and substitute in lieu thereof:

“The board of trustees of the free public library of any city of the first class is hereby given authority to mortgage any or all real property or personal property owned by such library to secure any sums borrowed for making repairs or improvements, or paying off any indebtedness it may owe.

The said mortgage not to exceed the sum of five hundred thousand dollars (\$500,00.00).”
so that said section as amended shall read as follows:

“2801b-3. *Trustees to be Appointed by Mayor: Terms: Qualifications: Title: Powers: Vacancies: Oath:*—The mayor of any such city shall, as soon as practicable after the passage of this ordinance, name twelve trustees, three for a term of one year, three for a term of two years, three for a term of three years, and three for a term of four years; and shall thereafter, in the month of each succeeding year corresponding to the month in which the first appointments are made, in the same manner nominate three trustees for a term of four years. No person shall be eligible to the office of trustee who is not, at the time of his selection, a taxpayer and qualified voter in the city and has not resided therein for two years prior to his selection, and no salary or other compensation shall ever be paid to or received by such trustee for the performance of the duties of his office. The said twelve trustees, together with the mayor of said city, who shall be a trustee by virtue of his office shall constitute and be styled the board of trustees of the free public library, and by said title shall be a corporation with power to make such rules and regulations to govern itself, and for the control, management and use of the property entrusted to its care as it may be deemed proper, not, however, in conflict with this act or with the Constitution or laws of this state, or of the United States, with power to contract and be contracted with, sue and be sued, to defend and be defended in all courts, to acquire by gift, purchase or otherwise, and to hold real and personal property to the use of the public library, for the purpose and intent for which the same may be granted or dedicated; to use, manage and improve, sell and convey, rent or lease property; to erect suitable building or buildings; to have a common seal and change it at pleasure, and to act with or without a seal. Vacancies in the office of trustee shall be reported by the board to the mayor, and shall be filled in like manner as the original appointments. The said trustees shall, before entering upon the duties of their offices, make oath or affirmation before some

judicial officer of this Commonwealth to discharge the duties enjoined on them.

The board of trustees of the free public library of any city of the first class is hereby given authority to mortgage any or all real property or personal property owned by such library to secure any sums borrowed for making repairs or improvements, or paying off any indebtedness it may owe.

The said mortgage not to exceed the sum of five hundred thousand dollars (\$500,000.00).''

§ 2. That Section 2801b-9 be repealed, and that the following be adopted in lieu thereof:

''2801b-9. *Board May Issue 'Library Bonds'; Provisions Concerning; Deposit and Use of Proceeds of Sale Of; Interest Paid, How.*—The said board of trustees may in their discretion and if they deem it necessary, issue bonds in the sum of not exceeding five hundred thousand dollars (\$500,000.00) for the purpose of making improvements or repairs, or paying off any indebtedness it may owe. The said bonds may be secured by any or all real property or personal property owned by said corporation. The bonds so issued shall be designated as 'library bonds' and the board of trustees shall by an appropriate resolution fix the date and maturity of such bonds, the rate of interest they shall bear, and the form they shall bear, where they shall be payable. The said board shall determine when and at what price and how they shall be sold; provided, that any premium which may be obtained from the sale of said bonds shall constitute a sinking fund for their ultimate retirement. As the bonds are sold their proceeds shall be placed to the credit of the said corporation in some bank or banking institution or trust company, but shall be kept in a separate account and shall be used only for the purpose for which the bonds were issued. The interest on the bonds shall be paid by the said corporation from the rent or income it may receive from any real property belonging to it.''

Emergency Clause. Whereas the Free Public Library is

in need of funds to meet losses resulting from the flood, and to make repairs and improvements on real estate owned by it, therefore an emergency is declared to exist, and this act shall take effect from and after its passage.

Senator Mayer moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
Stanley H. Blake	J. W. McDonald	Thomas O. Turner
Ollie J. Bowen	Stanley B. Mayer	E. T. Wesley
Leer Buckley	Strother Melton	Otis White
Dr. D. H. Bush	E. C. Moore	O. C. Whitfield
Edwin C. Dawson	J. Lee Moore	B. M. Williams
Lee Gibson	Dr. R. C. Moss	J. E. Wise
Ralph Gilbert	Ray B. Moss	
John M. Hall	Ira W. See	

—31

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that the said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 265. An act to repeal, amend and re-enact Section 2985 Carroll's Kentucky Statutes, Baldwin's 1936 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2985 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition, be, and the same is hereby repealed, amended and re-enacted so that said Section as amended and re-enacted shall read as follows:

“Section 2985. Assessor to return five assessment books.—In making the assessments and lists provided for herein, the assessor shall, before the tenth day of September, one thousand nine hundred thirty-eight (1938), and annually before said date in each year, thereafter, or as soon thereafter as practicable, make and return not less than five assessment books, and shall cause to be entitled therein, as near as may be, in alphabetical order, the names of all persons who are the owners or holders of lands, improvements or personal property, and opposite the name of each person, owner or holder, the number and block of each of his lots, according to the maps in the assessor's office; and the aggregate value of each parcel of land and the value per front foot, when such parcel fronts on a public way; the value of the improvements and the assessed value of the personal property.”

Senator Mayer moved the Previous Question.

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of
 said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said
 bill in accordance with the provision of the Constitution were
 as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
Stanley H. Blake	J. W. McDonald	Thomas O. Turner
Ollie J. Bowen	Stanley B. Mayer	E. T. Wesley
Leer Buckley	Strother Melton	Otis White
Dr. D. H. Bush	E. C. Moore	O. C. Whitfield
Edwin C. Dawson	J. Lee Moore	B. M. Williams
Lee Gibson	Dr. R. C. Moss	J. E. Wise
Ralph Gilbert	Ray B. Moss	
John M. Hall	Ira W. See	

—31

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was
 passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate

took up for consideration from the Orders of the Day bills of the following titles, viz.:

H. B. 286. An Act to repeal, amend and re-enact Section 2850 of the Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2850 of the Kentucky Statutes, Baldwin's 1936 Revision, be repealed, amended and re-enacted so that when repealed and re-enacted said section shall read as follows:

“Section 2850. Acquiring Property: Exemption from Taxation; Conveyance of Real Estate by the Board.—The board shall not be compelled to accept any gift or offer of land which, in its judgment, is unsuited for park purposes, or the improvement of which would entail an injudicial outlay. The title to all property acquired for park purposes shall vest in the Board of Park Commissioners, and the same, with all the improvements and equipments, shall be held in strict and inviolable trust for public park purposes, free from all taxation, imposts, or assessments; state, county, district, municipal or otherwise except, however, that the said Board of Park Commissioners may convey to the city or municipality such portions of property the title of which is vested in said Board of Park Commissioners as may be necessary and proper for the construction, extension or widening of streets, boulevards or thoroughfares or other public ways.”

H. B. 269. An Act to repeal Section 3011 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to licenses of cities of the first class and declaring an emergency to exist.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3011 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to licenses of cities of the first class, be and the same hereby is repealed.

§ 2. Inasmuch as it is necessary to increase the resources of the Sinking Fund of cities of the first class to pay the bonded debt of such cities at the earliest possible date, an emergency exists and is hereby declared, and this act shall take effect from and after its approval by the Governor.

H. B. 358. An Act providing for the levy of a tax by cities of the first class to provide a fund for Boards of Education in cities of the first class for the purchase of sites for school buildings, for the erection of school buildings and the complete equipping thereof and for the major alteration and enlargement of existing buildings and the complete equipping thereto.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in addition to other taxes now levied by Cities of the First Class for school purposes, said Cities may annually levy a tax of not less than 4 cents nor more than 10 cents on each One hundred (\$100) dollar valuation of property assessed by said Cities, to provide a fund for Boards of Education in Cities of the First Class for the purchase of sites for school buildings, for the erection of school buildings and the complete equipping thereof and for the major alteration and enlargement of existing buildings and the complete equipping thereof.

§ 2. The proceeds from said taxes when collected by said Cities shall be paid over to the Boards of Education in said Cities, and may be accumulated over a period of years.

Such taxes shall be kept in a separate account designated as "School Building Fund", and shall be used only for the purposes enumerated in Section 1 hereof, and at such times as the Board shall determine.

§ 3. Said fund shall be kept in the selected depository or depositories of the Boards, or invested in bonds of the United States Government, Commonwealth of Kentucky or of said Cities of the First Class. Such bonds may be sold by the Boards when necessary to provide cash for said building fund.

§ 4. All expenditures from said fund for the purchase of sites, for the erection of school buildings and the equipping thereof, or the alteration or enlargement and equipping thereof, shall be made in accordance with the general school laws of the Commonwealth of Kentucky.

§ 5. The Boards of Education in said Cities shall annually file a report with the Mayor thereof, showing the condition of said fund, together with a detailed report of all expenditures.

Senator Mayer moved that consideration of said bills be made a special order of business for the hour of eleven o'clock, A. M., tomorrow.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 274. An Act to repeal, amend and re-enact Section 2992, Carroll's Kentucky Statutes, Baldwin's 1936 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2992 of Carroll's Kentucky Statutes, Bald-

win's 1936 Edition, be, and the same is hereby repealed, amended and re-enacted so that said Section as amended and re-enacted shall read as follows:

“Section 2992. Assessment book to remain open; correction of errors.—The assessment books in this section named shall remain open in the assessor's office from the fifteenth to the thirtieth of September, and any one who thinks that his personal property, lands or improvements, or those in which he has an interest, though they be not assessed in his name, have been assessed beyond their value may, before the last named day, file with the assessor his complaint, specifically describing the property claimed to be assessed beyond its value and the alleged excess. The board of equalization shall investigate all complaints duly filed and shall, according to the justice of the case, approve, reduce or raise the assesment. When any complaint is heard by the board of equalization, whether the same is filed under this section or any other section of the Kentucky Statutes, the burden of proof shall be upon the person complaining to show that his property has been assessed beyond its value, or that he did not own the property sought to be assessed on the assessing date involved, as the case may be.

If the board be of the opinion on investigation, that any assessment is too low, it shall thereupon notify the taxpayer through the mail, stating the value which, in his judgment, shall be put upon the property involved, and fix a day for such taxpayer to appear before it, not earlier than five days, exclusive of Sundays, and holidays, after the mailing of such notice. If the taxpayer should appear he shall be given an opportunity to show why the value suggested by the board is not correct, and the board shall thereupon fix the assessment of such property. If such taxpayer does not appear before the board at the time set, the board shall fix what, in its judgment, is the proper value of the property involved.

But any taxpayer, feeling himself aggrieved by any action of the board of equalization, may appeal to the quarterly

court within thirty days after the final adjournment of said board, by filing with the judge of said court a certified copy under the hand of the city assessor, of the action of said board. He shall have the right to appeal from the decision of the quarterly court to the circuit court and then to the court of appeals, in the same manner as the law now allows appeals in civil cases. It shall be the duty of the city attorney to represent the board in all such suits pending before the quarterly or circuit court of the court of appeals. If the city assessor, or the city attorney, feels that the city has been aggrieved by the action of the board of equalization, or on account of the failure of said board to act, then either of said officers may appeal to the quarterly court by filing with the judge thereof a brief statement showing the action of the board of equalization, or stating wherein it failed to properly act. The quarterly court shall hear evidence and pass upon all such appeals and either of said officers may appeal to the circuit court and then to the court of appeals the same as in other civil cases. It shall be the duty of the city attorney to represent the interest of the city in all such appeals in the quarterly, circuit court and court of appeals.”

Senator Stanley Mayer moved the Previous Question.

Whereupon, the President of the Senate announced, “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
H. Stanley Blake	J. W. McDonald	Thomas O. Turner
Ollie J. Bowen	Stanley B. Mayer	E. T. Wesley
Leer Buckley	Strother Melton	Otis White
Dr. D. H. Bush	E. C. Moore	O. C. Whitfield
Edwin C. Dawson	J. Lee Moore	B. M. Williams
Lee Gibson	Dr. R. C. Moss	J. E. Wise
Ralph Gilbert	Ray B. Moss	
John M. Hall	Ira W. See	

—31

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 283. An Act to repeal, amend and re-enact Section 2993, Carroll's Kentucky Statutes, Baldwin's 1936 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2993 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition, be, and the same is hereby repealed,

amended and re-enacted so that said Section as amended and re-enacted shall read as follows:

Section 2993. Board of equalization; number of vacancies; power.—The board of equalization shall consist of three citizens of the city, to be elected annually in July by the board of aldermen. They may be removed by the general council. Vacancies caused by such removal, or by death, resignation or departure from the city, shall also be filled by the board of aldermen. The general council may compensate the members of said board out of the treasury at a rate not exceeding ten dollars (\$10.00) to each for each day's service. Two members shall make a quorum. If two or all of the members of the board fail to attend, the mayor may, by writing under his hand, appoint others to take their places for the time being. The board, when made up in whole or in part of such appointees, may reduce or increase assessments, as provided for in the next preceding section.

The chairman of the board is hereby authorized to summon and swear witnesses and to hear such evidence as may be competent with reference to any matters pertaining to the assessment of property.

The board of equalization, shall convene October first, or on the next succeeding day of such years when October first will be Sunday, and shall close its sessions on November the fifteenth following except when November fifteenth shall be on Sunday and in such years it shall close its session on November the fourteenth.

Senator Stanley Mayer moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
Stanley H. Blake	J. W. McDonald	Thomas O. Turner
Ollie J. Bowen	Stanley B. Mayer	E. T. Wesley
Leer Buckley	Strother Melton	Otis White
Dr. D. H. Bush	E. C. Moore	O. C. Whitfield
Edwin C. Dawson	J. Lee Moore	B. M. Williams
Lee Gibson	Dr. R. C. Moss	J. E. Wise
Ralph Gilbert	Ray B. Moss	
John M. Hall	Ira W. See	

—31

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 287. An Act to repeal, amend and re-enact Section 2984 Carroll's Kentucky Statutes, Baldwin's 1936 Edition.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2984 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition be, and the same is hereby repealed, amended and re-enacted so that said Section as amended and re-enacted shall read as follows:

"Section 2984. "Lands", "improvements", and "personal property" defined; fair cash value; assessment date.—For the purpose of assesment, the soil shall be known as "land" and everything attached thereto, or built thereon, shall be known as "improvements", and such "improvements", when owned by the tenant, may be assessed in his name apart from the land. Articles, other than land and improvements, shall be known as "personal property". The assessor shall assess, at its fair cash value as of the first of July of every year, all the lands, improvements and personalty subject to an ad valorem tax under this act."

Senator Stanley Mayer moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
Stanley H. Blake	J. W. McDonald	Thomas O. Turner
Ollie J. Bowen	Stanley B. Mayer	E. T. Wesley
Leer Buckley	Strother Melton	Otis White
Dr. D. H. Bush	E. C. Moore	O. C. Whitfield
Edwin C. Dawson	J. Lee Moore	B. M. Williams
Lee Gibson	Dr. R. C. Moss	J. E. Wise
Ralph Gilbert	Ray B. Moss	
John M. Hall	Ira W. See	

—31

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 259. An Act to repeal, amend and re-enact Section 2790 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2790 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be repealed, amended and re-enacted so that said Section when amended and re-enacted shall read as follows:

“Section 2790. When mayor to take office.—The mayor shall take office on the first day of December, next succeeding

his election and shall hold office for a term of four years and until his successor is elected and qualified."

Senator Stanley Mayer moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
H. Stanley Blake	J. W. McDonald	Thomas O. Turner
Ollie J. Bowen	Stanley B. Mayer	E. T. Wesley
Leer Buckley	Strother Melton	Otis White
Dr. D. H. Bush	E. C. Moore	O. C. Whitfield
Edwin C. Dawson	J. Lee Moore	B. M. Williams
Lee Gibson	Dr. R. C. Moss	J. E. Wise
Ralph Gilbert	Ray B. Moss	
John M. Hall	Ira W. See	

—31

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 162. An act to amend and re-enact Sub-section (e) of Section One (1) of Chapter Three (3) of the Acts of the General Assembly at its 1934 Session, authorizing the fixing of the annual fees of members of the Kentucky State Bar Association.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection (e) of Section 1 of Chapter Three of the Acts of the General Assembly at its 1934 Session, which became a law without approval of the Governor, being subsection (e) of Section 101-1 of Carroll's Kentucky Statutes as revised in 1936, be amended and re-enacted by striking out the words and figures "two (\$2.00)" and substituting therefor the words and figures "three (\$3.00)" so that said subsection (e) of said Section, when amended and re-enacted, shall read as follows:—

"Fixing a schedule of fees to be paid for the purpose of administering this Act, and rules and regulations to be prescribed, adopted and promulgated hereunder for the collection and disbursement of such fees, provided, that the annual fees shall not exceed the sum of three (\$3.00) dollars."

§ 2. By reason of a need for additional income by the Kentucky State Bar Association, in order to promote its efficiency and to more fully accomplish its purpose, an emer-

gency is declared to exist; and this Act shall become effective immediately upon its passage and approval by the Governor.

Senator McDonald moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leo King	John A. Sugg, Jr.
Aubrey Barbour	J. W. McDonald	Jos. P. Tackett
H. Stanley Blake	Stanley B. Mayer	J. E. Trager
Leer Buckley	Strother Melton	Thomas O. Turner
Edwin C. Dawson	E. C. Moore	E. T. Wesley
Lee Gibson	J. Lee Moore	O. C. Whitfield
John M. Hall	Dr. R. C. Moss	B. M. Williams
J. Joseph Hettinger	Ray B. Moss	
Wm. H. Jones, Jr.	Paul L. Sidebottom	

—25

Those who voted in the negative were—

Ira W. See	Otis White
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—2

Resolved that the title thereof be as aforesaid.

Senator McDonald moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

H. B. 160. An Act to amend and re-enact Section 4 and Section 7 of Chapter 111 of the Acts of the General Assembly at its 1936 session, approved, February 27, 1936, defining certain of the powers and duties of the Statute Committee

Senator McDonald moved that consideration of said bill be made a special order of business for the hour of two o'clock, P. M., tomorrow.

Said motion was agreed to

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

H. B. 199. An Act to repeal, amend, and re-enact Sections 4042a-8 and 4042a-10 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, relating to the compensation of the county tax commissioner—maximum fees and allowance for deputies and deductions for omitted lists.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4042a-8 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed,

amended and re-enacted, so that when repealed, amended and re-enacted it shall read as follows:

The county tax commissioner shall, after he has returned his assessment books to the county court clerk, present to the county court his account, verified by affidavit, stating the total assessed value of the property listed by him as shown by his assessment books, and the county court shall approve and allow eighty per cent (80%) of the amount due the county tax commissioner, based upon his assessment. When a copy of said order of allowance is presented to the Department of Finance, it shall, upon approval by the Department of Revenue, authorize payment of the county tax commissioner for the amount so approved and allowed. When the county board of supervisors has completed its work and the same has been certified to the Department of Revenue showing the total assessed value of the property of the county, the county tax commissioner shall present his account for the balance due to the county court, which shall be allowed in the manner now provided by law, and upon approval by the Department of Revenue of the balance due the Department of Finance shall authorize payment to the county tax commissioner for the remaining twenty per cent (20%) due for the services required of him by law, which shall be based on the total value of the assessment made by him as finally equalized by the county board of supervisors as follows: Five cents (5c) on the one hundred dollars (\$100.00) of the first million dollars (\$1,000,000) and two cents (2c) on each one hundred dollars (\$100.00) of the excess over one million dollars (\$1,000,000). Ten cents (10c) for each poll listed where there is only a poll list, and no taxable property listed there shall be allowed and paid by the fiscal court out of the money derived from the collection of county poll taxes, but no county tax commissioner shall be entitled to receive more than four thousand dollars (\$4,000) for his services during any year. Provided, that the allowance of ten cents per poll listed shall not be applicable to any commissioner during his present term.

In counties in which the assessed value of property exceeds twenty million dollars (\$20,000,000) the county tax commissioner shall be allowed as compensation to the deputies appointed and qualified the sum of fifteen hundred dollars (\$1,500) for each seven and one-half million dollars (\$7,500,000) of property which may be assessed in excess of twenty million dollars (\$20,000,000); provided, however, the total sum allowed to any county tax commissioner and his deputies shall not exceed seven thousand dollars (\$7,000) in any county except in a county having a city of the first class and in such county the present law shall remain in force. The counties shall allow to the county tax commissioner for assistance fifteen hundred dollars (\$1,500) in any county assessing more than thirty-five million dollars (\$35,000,000) in taxable property. In counties where the assessment does not exceed one million dollars (\$1,000,000) the county tax commissioner shall be paid six cents (6c) on the one hundred dollars (\$100.00) of the entire property listed. In counties containing a city of the second class on the first of April, one thousand nine hundred and twenty-two, and the first of each calendar month thereafter, the Department of Finance shall authorize payment for three hundred dollars, which shall be paid to the county tax commissioner, said three hundred dollars being an advancement to the tax commissioner by the Commonwealth of Kentucky to defray necessary official expenses and partial payment upon the salaries of himself and deputies. Said sum shall be deducted from the total paid the tax commissioner by law when the yearly settlements are made. Should the tax commissioner die, resign or be removed from office, or should the office of tax commissioner in counties containing a city of the second class for any cause become vacant, the sums advanced hereunder shall be deducted from the yearly settlement when said settlement is made.

Provided, however, that the tax commissioner of any county may obligate and spend any of the compensation earned by him over and above that actually used in compen-

sating himself and his deputies and assistants as herein provided, or over and above that herein authorized as the maximum compensation for himself, his deputies and assistants, for the purchase of any maps, lists, charts, materials, supplies or equipment which is necessary to the proper assessment of property in the county, and not required by law to be furnished by the county, the fiscal court thereof, or the State; provided, however, that such purchases may be made only with the approval of the Department of Revenue. Upon approval of such expenditures by the Department of Revenue, the necessity of such expenditures shall not be questioned, provided compensation earned under the provisions of the law is adequate during any fiscal year to meet, firstly, the compensation of the county tax commissioner, his deputies and assistants, and secondly, all obligations arising from such purchases, provided, further, that any maps, lists, charts, materials, supplies or equipment so purchased shall become the property of the county, to be used by the incumbent tax commissioner and his successors as provided by law or prescribed by the Department of Revenue.

Section 4042a-10 of Carroll's Kentucky Statutes, 1930 Edition, is hereby repealed, amended and re-enacted to read as follows:

4042a-10.—A reduction of fifty cents (50c) shall be made from the county tax commissioner's compensation for each list he shall fail to report for taxation or report without authority of law, and one dollar (\$1.00) for each duplicate assessment. Provided, however, that the reduction of fifty cents (50c) herein provided for failure to list or report for taxation shall not apply to any list which a county tax commissioner may secure and file with the Department of Revenue for the taxpayer, as provided in Chapter 21 of the Fourth Extraordinary Session of 1936 General Assembly of Kentucky.

The county tax commissioner shall be liable on his bond for all deductions authorized by law to be made for duplicated or omitted lists. After the sheriff has made his final settle-

ment with the Auditor of Public Accounts (Department of Revenue after the first Monday of January, 1940) for the year, the sheriff shall report on oath to the fiscal court at their next term a list of all persons, with their taxable property, so far as is known to him, who were omitted by county tax commissioner, also the names of any persons duplicated by the county tax commissioner, and it shall be the duty of the fiscal court to certify such lists to the Department of Revenue for appropriate action, as provided by law. A duplicate copy of such list shall also be certified by the fiscal court to the county tax commissioner, who is hereby authorized to secure listings of such property without incurring a reduction in compensation.

Senator Buckley moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Senator Sugg moved that the Senate do now adjourn.

Said motion was disagreed to.

Senator Sugg then moved that the vote by which the Previous Question applied be reconsidered.

Said motion was agreed to by a majority of the members elected.

Thereafter such reconsideration.

Senator Sugg moved that further consideration of said bill be made a special order of business for the hours of 11:30 o'clock, A. M., tomorrow.

The yeas and nays being taken thereon were as follows,
viz:

Those who voted in the affirmative were—

Stanley H. Blake	J. W. McDonald	E. T. Wesley	
Edwin C. Dawson	Strother Melton	Otis White	
Lee Gibson	E. C. Moore	O. C. Whitfield	
John M. Hall	J. Lee Moore	B. M. Williams	
H. Watt Hillman	Paul L. Sidebottom	J. E. Wise	
Wm. H. Jones, Jr.	John A. Sugg, Jr.		
Leo King	Thomas O. Turner		—19

Those who voted in the negative were—

Wm. R. Attkisson	J. Joseph Hettinger	Jos. P. Tackett	
Aubrey Barbour	Dr. R. C. Moss	J. E. Trager	
Paul M. Basham	Ray B. Moss		
Leer Buckley	Ira W. See		—10

Whereupon, said motion was agreed to.

Senator King moved that the Senate do now adjourn.

Said motion was agreed to.

And then the Senate adjourned.

TUESDAY, MARCH 1st, 1938

The Senate convened and was called to order by the Honorable Keen Johnson, Lieutenant Governor of the Commonwealth and President of the Senate.

The Senate was opened with prayer by the Reverend Fred T. Moffett, pastor of the Paptist Church, Frankfort, Kentucky.

The roll of the Senate was called, and the following Senators answered to their names, viz:

Wm. R. Attkisson	J. Joseph Hettinger	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Wm. H. Jones, Jr.	Jos. P. Tackett
Stanley H. Blake	Leo King	J. E. Trager
Ollie J. Bowen	J. W. McDonald	Ervine Turner
Leer Buckley	Stanley B. Mayer	Thomas O. Turner
Dr. D. H. Bush	Strother Melton	E. T. Wesley
Waller A. Crockett	E. C. Moore	Otis White
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
W. C. Farmer	Dr. R. C. Moss	B. M. Williams
Lee Gibson	Ray B. Moss	J. E. Wise
Ralph Gilbert	James C. Rogers	
John M. Hall	Ira W. See	

Senator Dawson moved that the reading of the Journal of the proceedings of Monday, February 28th, 1938, be dispensed with, and the same be approved.

Said motion was agreed to.

Senator E. C. Moore moved that the rules be suspended and the privilege of the floor be extended to Mr. George C. Moore of Danville, Kentucky, the Reverend L. C. Young, Mrs. L. C. Young, Mr. L. C. Young, Jr., Mr. Palmer Young and Mrs. L. F. Hammond, of Casey County, Kentucky.

Said motion was unanimously agreed to.

Senator Trager moved that the rules be suspended and the privilege of the floor be extended to Mr. Palmer Van Arsdale of Louisville, Kentucky.

Said motion was unanimously agreed to.

Senator J. Lee Moore moved that the rules be suspended and the privilege of the floor be extended to Mr. and Mrs. J. W. Wilson and Mrs. Bradley of Franklin, Kentucky.

Said motion was unanimously agreed to.

The President of the Senate vacated the Chair, which was occupied by Senator Edwin C. Dawson, President Pro Tem of the Senate, who presided.

At the instance of the Committee on Rules, Senator Gilbert offered the following resolution, viz:

S. Res. No. 68.

SENATE JOINT RESOLUTION NO. 68.

WHEREAS, the Governor in his veto message requests that the Legislature undertake to correct the errors which he points out in his veto message on H. B. 250, and

WHEREAS, the real purpose of the bill was to authorize the enrollment of bills either by typing or printing, and

WHEREAS, neither of the two objections which the Governor offered to the bill pertain to the method of enrolling, and

WHEREAS, the Attorney General has rendered a written opinion to the effect that neither the constitution or the statutes deal with the method of enrolling bills and that the use of typing in enrolling would be legal and constitutional, and

WHEREAS, the method of enrolling by handwriting is only a custom which began before the time when type-writers were used, and

WHEREAS, a great number of bills must be enrolled so rapidly within the next few hours that neither enrolling nor proof reading can be done with accuracy if the handwriting method is employed, and

WHEREAS, arrangements have already been made for enrolling by typing and printing on safety paper, and

WHEREAS, the printed copy on safety paper will make further enrolling of all bills not amended in the second House unnecessary, thereby giving time for accurate enrolling and proof reading of all bills during the time when so many bills must be enrolled near the end of the session,

THEREFORE, BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That the Enrolling Clerks of the House and of the Senate may enroll bills and resolutions by typing or printing upon safety paper which bears the signature of the Enrolling Clerk upon each page.

The yeas and nays being taken on the passage of said resolution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
Stanley H. Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Stanley B. Mayer	Thomas O. Turner
Leer Buckley	Strother Melton	E. T. Wesley
Dr. D. H. Bush	E. C. Moore	Otis White
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
W. C. Farmer	Dr. R. C. Moss	B. M. Williams
Lee Gibson	Ray B. Moss	J. E. Wise
Ralph Gilbert	James C. Rogers	
John M. Hall	Ira W. See	

—34

There voted in the negative—

Wm. H. Jones, Jr.

—1

Whereupon, said resolution was adopted.

At this time, the President of the Senate resumed the Chair, which had been occupied by Senator Edwin C. Dawson, President Pro Tem of the Senate, who vacated the Chair, and the President of the Senate presided.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 358. (For title see Journal of February 28th, 1938, ante.)

Said bill is as follows, viz:

(For bill see Journal of February 28th, 1938 ante.)

Senator Mayer moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson Aubrey Barbour Paul M. Basham

Ollie J. Bowen	H. Watt Hillman	James C. Rogers
Leer Buckley	Leo King	Paul L. Sidebottom
Dr. D. H. Bush	J. W. McDonald	John A. Sugg, Jr.
Edwin C. Dawson	Stanley B. Mayer	Jos. P. Tackett
W. C. Farmer	Strother Melton	J. E. Trager
Lee Gibson	E. C. Moore	E. T. Wesley
Ralph Gilbert	J. Lee Moore	Otis White
John M. Hall	Dr. R. C. Moss	O. C. Whitfield
J. Joseph Hettinger	Ray B. Moss	B. M. Williams

—30

There voted in the negative—

Thomas O. Turner

—1

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 269. (For title see Journal of February 28th, 1938, ante.)

Said bill is as follows, viz.:

(For bill see Journal of February 28th, 1938, ante.)

Senator Mayer moved the Previous Question

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ray B. Moss
Aubrey Barbour	J. Joseph Hettinger	James C. Rogers
Paul M. Basham	H. Watt Hillman	Paul L. Sidebottom
Ollie J. Bowen	Leo King	John A. Sugg, Jr.
Leer Buckley	J. W. McDonald	Jos. P. Tackett
Dr. D. H. Bush	Stanley B. Mayer	J. E. Trager
Edwin C. Dawson	Strother Melton	E. T. Wesley
W. C. Farmer	E. C. Moore	Otis White
Lee Gibson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Dr. R. C. Moss	B. M. Williams

—30

There voted in the negative—

Thomas O. Turner

—1

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 286. (For title see Journal of February 28th, 1938, ante.)

Said bill is as follows, viz.:

(For bill see Journal of February 28th, 1938, ante.)

Senator Mayer moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Edwin C. Dawson	H. Watt Hillman
Aubrey Barbour	W. C. Farmer	Leo King
Paul M. Basham	Lee Gibson	J. W. McDonald
Ollie J. Bowen	Ralph Gilbert	Stanley B. Mayer
Leer Buckley	John M. Hall	Strother Melton
Dr. D. H. Bush	J. Joseph Hettinger	E. C. Moore

J. Lee Moore	Paul L. Sidebottom	E. T. Wesley
Dr. R. C. Moss	John A. Sugg, Jr.	Otis White
Ray B. Moss	Jos. P. Tackett	O. C. Whitfield
James C. Rogers	J. E. Trager	B. M. Williams

—30

There voted in the negative—

Thomas O. Turner

—1

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

H. B. 220. An Act imposing taxes on motor vehicles for hire used primarily for the transportation of passengers operating under a certificate of convenience and necessity or permit issued by any governmental authority of this State or any other State, or under any Federal Act; and imposing an additional tax on taxicabs, “U-Drive-Its” and city busses and repealing all laws and parts of laws in conflict with this Act.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (a) “Taxicab” as defined in this Act means any motor vehicle designed or constructed to transport passengers for hire and who do not operate under a certificate of convenience and necessity issued by the State, or over a regular route.

(b) "U-Drive-It" as defined in this Act means a motor vehicle let out for hire but for which no driver is furnished.

(c) "City Bus" as defined in this Act means any vehicle except those propelled by over-head wires which operates under a franchise granted by any municipality, or under a certificate granted by the Director of Motor Transportation, which operates within a municipality or does not operate beyond ten (10) miles from the limits of any municipality.

(d) "Regular Seat" as used in this Act means a seat ordinarily and customarily used by one passenger, but does not include folding or collapsible emergency aisle seats; provided, however, that the number of such folding or collapsible aisle seats shall not be greater in number than twenty-five (25%) per cent of the regular seats in each such vehicle; and further provided that passenger vehicles of the regular passenger automobile type shall be construed to have three regular seats on the rear seat or any like seat, one regular seat with the driver and two regular seats for any collapsible seat between rear seat and driver's seat; and further provided that where any seats in the vehicle are not distinguished by separate cushions and backs, a seat shall be counted for each eighteen (18) inch space on any such seats.

§ 2. Each person, firm or corporation operating a motor vehicle over the highways of this State shall annually (except as hereinafter provided) on or before the first day of each year pay to the Director of Motor Transportation the following taxes and fees:

On each motor vehicle for hire used primarily for the transportation of persons under a certificate of convenience and necessity or permit a mileage tax equal to one-thirtieth ($1/30$) of a cent for each regular seat in said vehicle multiplied by the total number of miles traveled, which shall be payable monthly; and, in addition thereto, a tag tax payable annually in advance in lieu of present tag, seat and weight taxes equal to eight dollars (\$8.00) for each such seat for the first sixteen (16) seats; fifteen dollars (\$15.00) for each such seat for the

next eight (8) seats and twenty-five dollars (\$25.00) for each such seat for all remaining seats; provided further, however, that no city bus or taxi cab motor vehicle for hire used primarily for the transportation of persons wholly within the limits of a municipality or municipalities in this State and operating under a certificate granted by this State or the Interstate Commerce Commission shall be required to pay any such mileage or tag tax, but shall pay \$1.50 for each regular seat in said vehicle.

§ 3. Each and every person, firm or corporation, before being permitted to operate any vehicle to be used as a taxicab, U-Drive-It or city bus as defined in this Act shall pay tax to the Director of the Division of Motor Transportation, \$1.50 for each regular seat.

§ 4. If any person, firm or corporation required to pay taxes under this Act shall begin the operation of any vehicle covered by this Act after the first day of January in any year, then in that event such person, firm or corporation shall only be required to pay the proportionate part of said taxes for the remainder of said year.

§ 5. The taxes imposed under this Act are in lieu of the present mileage, seat, weight and tag taxes or fees now imposed on motor vehicles engaged in the transportation of passengers for hire operating under certificates of convenience and necessity.

§ 6. All laws and parts of laws in conflict herewith are hereby repealed.

Senator J. Lee Moore offered the following amendments to said bill, viz.:

Amendment No. 1. Amend H. B. No. 220 in Senate by striking out of line 7, paragraph 2, page 2 of the printed bill the following words and figures, "one thirtieth (1/30)", and substituting in lieu thereof the following words and figures, "one thirty-sixth (1/36)"

Amendment No. 2. Amend H. B. No. 220 in Senate by striking out of paragraph 2, line 17 on page 3 of the printed bill the following words, "the Interstate Commerce Commission" and substituting in lieu thereof the words "in interstate commerce."

And further amend said bill by striking out the following words in line 14, paragraph 2, page 2 of the printed bill, "bus or taxicab" and inserting in lieu thereof "bus, taxicab or"

Said amendments were each and severally agreed to.

Senator Barbour offered the following amendment to said bill, viz.:

Amendment No. 3. Amend H. B. No. 220, in line 20, page 3, Section 2, change the period to a semicolon and add the following words: "Provided busses operated by merchants in such municipalities, in connection with their business, shall not be subject to the tax."

Said amendment was agreed to.

Senator J. Lee Moore moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	James C. Rogers
Aubrey Barbour	J. Joseph Hettinger	Paul L. Sidebottom
Paul M. Basham	Leo King	John A. Sugg, Jr.
Ollie J. Bowen	J. W. McDonald	Ervine Turner
Leer Buckley	Stanley B. Mayer	Thomas O. Turner
Edwin C. Dawson	Strother Melton	E. T. Wesley
W. C. Farmer	J. Lee Moore	Otis White
Lee Gibson	Dr. R. C. Moss	O. C. Whitfield
Ralph Gilbert	Ray B. Moss	B. M. Williams

—27

Those who voted in the negative were—

Dr. D. H. Bush	Ira W. See
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—2

Resolved that the title thereof be as aforesaid.

Senator J. Lee Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

II. B. 371. An Act pertaining to the Motor Vehicle Law and amending and re-enacting the following Sections of Carroll's Kentucky Statutes, 1936 Edition: 2739g-24, 2739g-26, 2739g-28, 2739g-29, 2739g-30, 2739g-34, 2739g-34a, 2739g-37, 2739g-40a, 2739g-48, 2739g-51, 2739g-57; enacting additional

Motor Vehicle provisions directed to increase safety on the highways, concerning equipment of motor vehicles, driving of motor vehicles, stopping behind school busses, pedestrians, reporting of accidents to the State Highway Patrol.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Highway Patrol be defined as follows: any agency for the enforcement of the highway laws of the Commonwealth, established pursuant to sections 2739g-97, 4618-99 and 4618-154 of Carroll's Kentucky Statutes, 1936 edition. All discretionary powers hereinafter vested in the State Highway Patrol shall be exercised in the discretion of the chief officer of said Patrol.

§ 1½. That Section 2739g-24 of Carroll's Kentucky Statutes, 1936 edition, be, the same is, hereby amended to read as follows:

Lights; when parking permissible without.—That all automobiles, motor trucks, bicycles, wagons, buggies, motorcycles, and each and every kind of vehicle used and operated upon any public highway, road or street, in the Commonwealth of Kentucky are required to display lights as follows:

(1) At the rear one lighted lamp showing red visible from the rear at least five hundred feet away, except that a red reflector meeting the requirements may be used in lieu of a rear light, whether said vehicle be in operation or stationary.

(2) When in operation bicycles and two-wheeled motorcycles shall have at least one, and all other automobiles, and trucks, including three-wheeled motorcycles, shall have at least two lighted lamps in front, showing white, or tinted other than red light, and of sufficient power to reveal clearly substantial objects at least three hundred and fifty feet ahead except for bicycles, fifty feet ahead. There shall also be a selective lowermost distribution of light, or composite beam, so aimed that:

(a) When the vehicle is not loaded, none of the high intensity portion of the light which is directed to the left of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of ten inches below the level of the center of the lamp from which it comes.

(b) When the vehicle is not loaded, none of the high intensity portion of the light which is directed to the right of the prolongation of the extreme left side of the vehicle shall, at a distance of twenty-five feet ahead, project higher than a level of five inches below the center of the lamp from which it comes. It shall reveal objects one hundred feet ahead. Provided, any light projected ahead or sidewise shall be so arranged or deflected that no glaring rays from it or from any reflector shall be at any time more than three and one-half feet above a level surface at a distance of seventy-five feet or more ahead of such vehicle, and provided, further, that in case of accident or emergency, automobiles or trucks may display lantern or other lights of smaller power, but if insufficient to clearly reveal substantial objects at least seventy-five feet ahead, shall not proceed at a rate of speed in excess of twenty miles per hour: Provided that no automobile or truck shall be sold in this Commonwealth unless the light projected by the head-lights meets the foregoing requirements at the time of the sale.

(2a) Single-beam road lighting equipment.—Headlamps arranged to provide a single distribution of light not supplemented by auxiliary driving lamps shall be permitted on motor vehicles manufactured and sold prior to one year after the effective date of this act in lieu of multiple-beam road lighting equipment herein specified if the single distribution of light complies with the following requirements and limitations:

(a) The headlamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall at a distance of twenty-five feet ahead project

higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than forty-two inches above the level on which the vehicle stands at a distance of seventy-five feet ahead.

(b) The intensity shall be sufficient to reveal persons and vehicles at a distance of at least two hundred feet.

(c) Whenever the driver of a vehicle approaches an oncoming vehicle within five hundred feet, such driver shall use a distribution of light or composite beam so aimed that the glaring rays are not projected into the eyes of the oncoming driver, and in no case shall the high intensity portion which is projected to the left of the prolongation of the extreme left side of the vehicle be aimed higher than the center of the lamp from which it comes at a distance of twenty-five feet, ahead, and in no case higher than a level of forty-two inches above the level upon which the vehicle stands at a distance of seventy-five feet ahead.

(3) (a) When in operation wagons, buggies or any other slow moving vehicles or motorless vehicles while traveling on any State or Federal or State and Federal road or highway, shall have at least one lighted lamp on the left side of said vehicle whether from the front or rear, showing white and of sufficient power to clearly reveal the outline of the left side of said vehicle and so that said outline may be observed clearly by approaching vehicles from a distance of at least one hundred feet.

(b) No person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front thereof. This section shall not apply to authorized emergency vehicles.

(c) Flashing lights are prohibited on motor vehicles, except as a means for indicating a right or left turn.

(4) Cities and towns may by ordinance designate certain well-lighted streets or parts thereof during certain periods as being sufficiently illuminated to make lights unnecessary, in which case Paragraphs 1, 2 and 3 shall not apply

to such vehicles parked in such streets during such period and may also provide that when in operation in such designated streets or parts thereof during such a period light or lights in front may be of lesser power as is provided in Paragraphs 2 and 3 in which case the provisions of Paragraphs 2 and 3 shall not apply.

§ 2. That Section 2739g-26 of Carroll's Kentucky Statutes, 1936 edition, be, and the same hereby is, amended to read as follows:

Brakes.—(1) No owner shall knowingly operate or permit to be operated on a public highway an automobile upon which the brakes are defective or out of order.

(2) Every motor vehicle, other than a motorcycle, when operated upon a highway shall be equipped with brakes adequate to control the movement of and to stop and hold such vehicle, including two separate means of applying the brakes, each of which means shall be effective to apply the brakes to at least two wheels. If these two separate means are connected in any way, they shall be so constructed that failure of any one part of the operating mechanism shall not leave the motor vehicle without brakes on at least two wheels.

(3) (a) The service brakes upon any motor vehicle or combination or vehicles shall be adequate to stop such vehicle or vehicles when traveling 20 miles per hour within a distance of 30 feet when upon dry asphalt or concrete pavement surface free from loose material where the grade does not exceed 1 percent.

(b) Under the above conditions the hand brake shall be adequate to stop such vehicle or vehicles within a distance of 55 feet and said hand brake shall be adequate to hold such vehicle or vehicles stationary on any grade upon which operated.

(c) Under the above conditions the service brakes upon a motor vehicle equipped with two-wheel brakes only, and when permitted hereunder, shall be adequate to stop the

vehicle within a distance of 40 feet and the hand brake adequate to stop the vehicle within a distance of 55 feet.

(d) All braking distance specified in this section shall apply to all vehicles mentioned, whether such vehicles are not loaded or are loaded to the maximum capacity permitted under this act.

(e) All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with the respect to the wheels on opposite sides of the vehicle.

§ 3. That Section 2739g-28 of Carroll's Kentucky Statutes, 1936 edition, be, and is hereby, amended so as to read as follows:

Horns.—(1) Every automobile and bicycle, when in use on a public highway, shall be equipped with a horn, bell or other device capable of making an abrupt sound sufficiently loud to be heard under all ordinary traffic conditions and every person operating an automobile or bicycle shall sound such horn or sound device whenever necessary as a warning of the approach of such vehicles to pedestrians, or other vehicles, but shall not sound said horn or sound device unnecessarily.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this subdivision. It is permissible but not required that any commercial vehicle be equipped with a theft alarm signal device which is so arranged that it cannot be used by the driver as an ordinary warning signal. Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the department, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when

necessary to warn pedestrians and other drivers of the approach thereof.

(3) No bicycle shall be equipped with nor shall any person use upon a bicycle any siren or whistle.

§ 4. That Section 2739g-29 of Carroll's Kentucky Statutes be, and hereby is, amended to read as follows:

Towed Vehicles.—No vehicle shall tow (and by "tow" is meant the hauling with a tow line) more than one other vehicle, and the tow line shall not be over fifteen feet in length, and a white cloth or flag shall be fastened to the tow line at or near the center thereof day and night so as to make it plainly discernible, and each vehicle shall separately display the lights required on vehicles of the class to which they belong.

§ 5. That Section 2739g-30 of Carroll's Kentucky Statutes, 1936 edition, be, and hereby is, amended to read as follows:

Trailers.—No vehicle shall at one time haul more than two trailers (and by "trailer" is meant another vehicle connected in such a manner as to keep them uniformly spaced), and each trailer must carry at least one lighted lamp upon its left side in such a manner as to show a green light to the front and a red light to the rear, visible at least five hundred feet away.

§ 6. That Section 2739g-34 of Carroll's Kentucky Statutes, 1936 edition, be, and hereby is, amended so as to read as follows:

Intoxicated.—No person under the influence of intoxicating liquors shall operate any vehicle upon a public highway.

§ 7. That Section 2739g-34a of Carroll's Kentucky Statutes, 1936 edition be, and hereby is, amended so as to read as follows:

Operating motor vehicle while under the influence of intoxicating liquors prohibited; penalty.—That it shall be unlawful for any person to operate a motor vehicle on any of the public highways of this Commonwealth while under the influence of intoxicating liquors and for each violation of the

above provisions the person so offending shall be fined, for the first offense, not less than one hundred nor more than five hundred dollars and his license to operate a motor vehicle be revoked for the period of one year and for the second and each subsequent offense he shall be fined not less than \$100.00 nor more than \$500.00, and confined in the county jail not less than thirty days nor more than six months.

§ 8. That Section 2739g-37 of Carroll's Kentucky Statutes, 1936 edition, be, and hereby is, amended so as to read as follows:

Right of way at intersections.—(1) Except as stated in the following subsections or where otherwise directed by a traffic officer the operator of a vehicle shall yield the right of way at the intersection of their paths to a vehicle approaching from the right unless such vehicle approaching from the right is further from the point of intersection of their paths than such first named vehicle. Provided that a vehicle being operated upon any inter-county seat highway, designated state highway or boulevard, or any street which may have by ordinance been designated as being equal in importance to a boulevard, shall not be required to observe the foregoing regulations where any such highway intersects another highway of lesser class. Any vehicle operated on the lesser class highway shall be required to stop before entering said inter-county seat highway or highway of a higher class.

(2) The driver of a vehicle shall stop at the entrances to a through highway and shall yield the right of way to other vehicles which have entered the intersection from said through highway or which are approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection on said through highway shall yield the right of way to the vehicle so proceeding into or across the through highway.

(3) The driver of a vehicle shall likewise stop in obedience to a stop sign at an intersection where a stop sign is

erected at one or more entrances thereto although not a part of a through highway and shall proceed cautiously, yielding to vehicles not so obliged to stop which are within the intersection or approaching so closely as to constitute an immediate hazard, but may then proceed.

(4) The driver of a vehicle about to enter or cross a highway from a private road or driveway shall yield the right of way to all vehicles approaching on said highway.

§ 9. That Section 2739g-40a of Carroll's Kentucky Statutes, 1936 edition, be, and hereby is, amended so as to read as follows:

Overtaking vehicles.—(a) Vehicles overtaking other vehicles proceeding in the same direction shall pass to the left thereof and shall not again drive to the right until reasonably clear of such vehicles, and the person operating or in charge of the overtaking vehicle shall sound horn or other sound device before passing such vehicle; provided, that vehicles overtaking street cars may pass either to the right or left, (1) when so directed by a police officer, (2) on a one way street, (3) or where the location of the tracks prevents compliance with this article, having due regard for other traffic.

(b) The driver of a vehicle may overtake and pass upon the right of another vehicle which is making or about to make a left turn.

The driver of a vehicle may overtake, and, allowing sufficient clearance, pass another vehicle proceeding in the same direction upon the left or upon the right on a roadway with unobstructed pavement or sufficient width for four or more lines of traffic when such movement can be made in safety. No person shall drive off the pavement or upon the shoulder of the roadway in overtaking or passing on the right.

(c) No vehicle shall be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely

made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken. In every event the overtaking vehicle must return to the right-hand side of the roadway before coming within 100 feet of any vehicle approaching from the opposite direction.

(d) No vehicle shall, in overtaking and passing another vehicle or at any other time, be driven to the left side of the roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve in the highway where the driver's view along the highway is obstructed;

2. When approaching within 100 feet of any bridge, viaduct, or tunnel, or when coming within 100 feet of or traversing any intersection or railroad grade crossing;

3. Where official signs are in place directing that traffic keep to the right, or a distinctive center line is marked, which distinctive line directs traffic as declared in the sign manual adopted (by the State highway commission).

(e) Whenever any roadway has been divided into three or more clearly marked lanes for traffic the following rules in addition to all others clearly consistent herewith shall apply:

1. A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

2. Upon a three lane roadway a vehicle shall not be driven in the center lane except when overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such a center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is sign-posted to give notice of such allocation.

3. Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes

to traffic moving in the same direction and drivers of vehicles shall obey the directions of every such sign.

(f) (1) The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and condition of the highway.

(2) The driver of any motor truck or motor truck drawing another vehicle when traveling upon a roadway outside of a business or residence district shall not follow within 150 feet of another motor truck or motor truck drawing another vehicle. The provisions of this subdivision shall not be construed to prevent overtaking and passing nor shall the same apply upon any lane specially designated for use of motor trucks.

§ 10. That Section 2739g-48 of Carroll's Kentucky Statutes, 1936 edition, be, and is hereby, amended so as to read as follows:

(1) Stopping or repairing on public highways.—No person shall stop a vehicle or leave same standing or cause or permit same to stop or to be left standing upon the main traveled portion of any public highway nor upon any intersection thereof for the purpose of making repairs thereon or to any part thereof: Provided, however, that this provision shall not apply to a vehicle which shall be disabled while on such main traveled portion of the highway in such a manner and to such extent that it is impossible to avoid the occupation of said main traveled portion or impracticable to remove the same therefrom until repairs shall have been made or sufficient help obtained for its removal.

(2) Whenever any police officer finds a vehicle standing upon a highway in violation of any of the foregoing provisions of this article such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the the vehicle to move the same, to a position off the paved or improved or main traveled part of such highway.

(3) Whenever any police officer finds a vehicle unat-

tended upon any bridge or causeway or in any tunnel where such vehicle constitutes an obstruction to traffic, such officer is hereby authorized to provide for the removal of such vehicle to the nearest garage or other place of safety.

(4) No person shall stop, stand, or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device, in any of the following places:

(a) On a sidewalk;

(b) In front of a public or private driveway;

(c) Within an intersection;

(d) At any place where official signs prohibit stopping.

No person shall move a vehicle not owned by such person into any such prohibited area or away from a curb such distance as is unlawful.

§ 11. That Section 2739g-51 of Carroll's Kentucky Statutes, 1936 edition, be, and hereby is, amended so as to read as follows:

Speed.—No operator of a vehicle upon a public highway shall drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway, provided that:

(1) Where a highway passes through a closely built up business portion of any city or town, if the rate of speed of passing automobiles thereon exceeds twenty miles per hour it shall be prima facie evidence of unreasonable and improper driving.

(2) Where a highway passes through the residence portion of any city or town any sharp curve, or on a steep grade in or outside of such town or city, if the rate of speed of passing automobiles exceeds thereon twenty-five miles per hour it shall be prima facie evidence of unreasonable and improper driving.

(3) Where a highway is outside of a closely built up business section of any city or town and is on a straight-away, unobstructed highway, if the rate of speed of automobiles

thereon exceeds forty-five miles per hour it shall be *prima facie* evidence of unreasonable and improper driving. No person shall drive a motor vehicle at such slow speed as to block or impede the reasonable movement of traffic. Refusal to comply with the directions of an officer in accordance herewith shall constitute a misdemeanor.

(4) Nothing in the paragraphs above shall apply to vehicles owned and operated by the fire, police or hospital departments of any municipality.

(5) The speed of motor vehicles operating under certificates of convenience and necessity issued by the Commissioner of Motor Transportation as provided by Chapter 112 of the Acts of 1926 (K. S. sections 2739j-1 to 2739j-41), shall be regulated by paragraphs 1, 2 and 3 of this section, and shall not be classified as trucks on the regulation of speed.

§ 12. That Section 2739g-57 of Carroll's Kentucky Statutes, 1936 edition, be, and hereby is, amended so as to read as follows:

Glass Throwing. (1) No person shall throw or deposit upon any public highway any glass bottles, glass, nails, tacks, hoops, wire, cans or any other substance likely to injure any person, animal or vehicle.

(2) Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

§ 13. That the following provisions be added to the Kentucky Motor Vehicle Laws:

(1) Mirrors.—Every motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least two hundred feet to the rear of the vehicle.

(2) Safety glass in motor vehicles.—On and after January 1, 1939 no person shall sell any new motor vehicle nor shall any new motor vehicle be registered thereafter which is

designed or used for the purpose of transporting passengers for compensation or as a school bus unless such vehicle is equipped with safety glass wherever glass is used in doors, windows, and windshields.

On and after January 1, 1939 no person shall sell any new motor vehicle nor shall any new motor vehicle be registered thereafter unless such vehicle is equipped with safety glass wherever glass is used.

(3) Windshields must be unobstructed and equipped with wipers.—(a) No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, sidewings, side or rear windows of such vehicle other than a certificate or other paper required to be so displayed by law.

(b) The windshield on every motor vehicle shall be equipped with a device for cleaning rain, snow or other moisture from the windshield, which device shall be so constructed as to be controlled or operated by the driver of the vehicle.

(4) Trucks to carry flares or similar devices.—(a) No person shall operate any motor truck upon a highway outside of a business or residence district at any time from a half hour after sunset to a half hour before sunrise unless there shall be carried in such vehicle a sufficient number of flares, not less than three, or electric lanterns or other signals capable of continuously producing three warning lights each visible from a distance of at least five hundred feet for a period of at least eight hours, except that a motor vehicle transporting flammables may carry red reflectors in place of the other signals above mentioned.

Every such flare, lantern, signal, or reflector shall be of a type approved by the commissioner and he shall publish lists of those devices which he has approved as adequate for the purposes of this section.

(b) Whenever any motor truck and its lighting equipment are disabled during the period when lighted lamps must be displayed on vehicles and such motor truck cannot im-

mediately be removed from the main traveled portion of a highway outside of a business or residence district, the driver or other person in charge of such vehicle shall cause such flares, lanterns, or other signals to be lighted and placed upon the highway, one at a distance of approximately one hundred feet in advance of such vehicle, one at a distance of approximately one hundred feet to the rear of the vehicle and the third upon the roadway side of the vehicle, except that if the vehicle is transporting flammables three red reflectors may be so placed in lieu of such other signals and no open burning flare shall be placed adjacent to any such last mentioned vehicle.

(c) No person shall at any time operate a motor truck transporting explosives as a cargo or part of a cargo upon a highway unless it carries flares or electric lanterns as herein required, but such flares or electric lanterns must be capable of producing a red light and shall be displayed upon the roadway when and as required in this section.

(5) Vehicles transporting explosives.—Any person operating any vehicle transporting any explosive as a cargo or part of a cargo upon a highway shall at all times comply with the provisions of this section.

(a) Said vehicle shall be marked or placarded on each side and the rear with the word "Explosives" in letters not less than eight inches high, or there shall be displayed on the rear of such vehicle a red flag not less than twenty-four inches square marked with the word "Danger" in white letters six inches high.

(b) Every said vehicle shall be equipped with not less than two fire extinguishers, filled and ready for immediate use, and placed at a convenient point on the vehicle so used.

(6) Unattended motor vehicle.—No person driving or in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key, or when standing upon any perceptible grade

without effectively setting the brake thereon and turning the front wheels to the curb or side of the highway.

(7) Obstruction to a driver's view or driving mechanism.

—(a) No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three, as to obstruct the view of the driver to the front or sides of the vehicle or as to interfere with the driver's control over the driving mechanism of the vehicle.

(b) No passenger in a vehicle or street car shall ride in such position as to interfere with the driver's or motorman's view ahead or to the sides, or to interfere with his control over the driving mechanism of the vehicle or street car.

(8) Driving on mountain highways.—The driver of a motor vehicle traveling through defiles or canyons or on mountain highways shall hold such motor vehicle under control and as near the right-hand edge of the highway as reasonably possible and, upon approaching any curve where the view is obstructed within a distance of two hundred feet along the highway, shall give audible warning with the horn of such motor vehicle.

(9) Coasting prohibited.—(a) The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

(b) The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

(10) Following fire apparatus prohibited.—The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

(11) Crossing fire hose.—No street car or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or street car

track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

(12) Overtaking and passing school bus.—(a) The driver of a vehicle upon a highway outside of a business or residence district upon meeting or overtaking any school bus which has stopped on the highway shall come to a complete stop and then may proceed with due caution for the safety of any children and in no event in excess of ten miles per hour in passing such school bus.

(b) This section shall be applicable only in the event the school bus shall bear upon the front and rear thereon a plainly visible sign containing the words "school bus" in letters not less than four inches in height which can be removed or covered when the vehicle is not in use as a school bus.

(13) Regulations relative to school busses.—(a) The State Board of Education by and with the advice of the State Highway Patrol shall adopt and enforce regulations not inconsistent with this act to govern the design and operation of all school busses used for the transportation of school children when owned and operated by any school district or privately owned and operated under contract with any school district in this State and such regulations shall by reference be made a part of any such contract with a school district. Every school district, its officers and employees, and every person employed under contract by a school district shall be subject to said regulations.

(b) Any officer or employee of any school district who violates any of said regulations or fails to include obligations to comply with said regulations in any contract executed by them on behalf of a school district shall be guilty of misconduct and subject to removal from office or employment. Any person operating a school bus under contract with a school district who fails to comply with any said regulations shall be guilty of breach of contract and such contract shall be

canceled after notice and hearing by the responsible officers of such school district.

(14) Turning on curve or crest of grade prohibited.—No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet.

(15) Starting a parked vehicle.—No person shall start a vehicle which is stopped, standing, or parked unless and until such movement can be made with reasonable safety.

(16) When signal required.—(a) No person shall turn a vehicle from a direct course upon a highway unless and until such movement can be made with reasonable safety and then only after giving a clearly audible signal by sounding the horn if any pedestrian may be affected by such movement or after giving an appropriate signal in the manner herein-after provided in the event any other vehicle may be affected by such movement.

(b) A signal of intention to turn right or left shall be given continuously during not less than the last 100 feet traveled by the vehicle before turning.

(c) No person shall stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear when there is opportunity to give such signal.

(17) Pedestrians subject to traffic control signals.—Pedestrians shall be subject to traffic control signals at intersections as heretofore declared in this act, but at all other places pedestrians shall be accorded the privileges and shall be subject to the restrictions stated in this article.

(18) Pedestrians' right-of-way at crosswalks.—Where traffic control signals are not in place or in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the

roadway within any marked crosswalk or within any unmarked crosswalk at an intersection, except as otherwise provided in this article.

(b) Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass such stopped vehicle.

(19) Crossing at other than crosswalks.—(a) Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall yield the right-of-way to all vehicles upon the roadway.

(b) Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) Between adjacent intersections at which traffic control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) Notwithstanding the provisions of this section every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any confused or incapacitated person upon a roadway.

(20) Pedestrians to use right half of crosswalks.—Pedestrians shall move, whenever practicable, upon the right half of crosswalks.

(21) Pedestrians soliciting rides.—No person shall stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

(22) Pedestrians on side of road.—Pedestrians shall at all times, when walking on or along a highway, walk on the left side of such highway.

(23) Obedience to signal indicating approach of train.—The driver of a vehicle shall stop and remain standing and not traverse a railroad grade crossing when a crossing gate is lowered or when a human flagman gives or continues to give a signal of the approach or passage of a train.

(24) Duty to report accidents.—(a) The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of \$50 or more shall, within 24 hours after such accident, forward a written report of such accident to the State Highway Patrol.

(b) The State Highway Patrol may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient in the opinion of the State Highway Patrol and may require witnesses of accidents to render reports to the State Highway Patrol.

(25) When driver unable to report.—Whenever the driver of a vehicle is physically incapable of making a required accident report and there was another occupant in the vehicle at the time of the accident capable of making a report such occupant shall make or cause to be made said report.

(26) Accident report forms.—(a) The State Highway Patrol shall prepare and upon request supply to police departments, coroners, sheriffs, garages and other suitable agencies or individuals, forms for accident reports required hereunder, which reports shall call for sufficiently detailed information to disclose with reference to a traffic accident the cause, conditions then existing, and the persons and vehicles involved.

(b) Every required accident report shall be made on a form approved by the State Highway Patrol.

(27) Coroners to report.—Every coroner or other official performing like functions shall on or before the 10th day of each month report in writing to the State Highway Patrol the death of any person within his jurisdiction during the

preceding calender month as the result of an accident involving a motor vehicle and the circumstances of such accident.

(28) Accident reports confidential.—All required accident reports and supplemental reports shall be without prejudice to the individual so reporting and shall be for the confidential use of the State Highway Patrol except that the State Highway Patrol may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his presence at such accident. No such report shall be used as evidence in any trial, civil or criminal arising out of an accident, except that the State Highway Patrol shall furnish upon demand of any person who has, or claims to have, made such a report or, upon demand of any court, a certificate showing that a specified accident report has or has not been made to the State Highway Patrol solely to prove a compliance or a failure to comply with the requirements that such a report be made to the State Highway Patrol.

(29) State Highway Patrol to tabulate and analyze accident reports.—The State Highway Patrol shall tabulate and may analyze all accident reports and shall publish annually or at more frequent intervals statistical information based thereon as to the number and circumstances of traffic accidents.

(30) Any incorporated city may require accident reports.—Any incorporated city, town, village, or other municipality may by ordinance require that the driver of a vehicle involved in an accident shall also file with a designated city department a report of such accident or a copy of any report herein required to be filed with the State Highway Patrol. All such reports shall be for the confidential use of the city department and subject to the provisions of section 28 of this act.

(31) Penalties.—Any person violating the provisions of this section, or any of them, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not

less than ten dollars nor more than one hundred dollars for each offense.

§ 14. The State Highway Patrol is hereby explicitly required to enforce the regulatory provisions of this Act; provided, however, that this section shall not be construed to amend or modify the requirements of the law that local sheriffs, constables, city police and other peace officers are relieved of any legal obligations.

It is the intent and purpose hereof that members of the State Highway Patrol shall have coordinate responsibility with such local peace officers in the enforcement of the regulatory provisions of this Act.

§ 15. Constitutionality.—If any section, subsection, paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this act. The general assembly hereby declares that it would have passed this act, and each section, subsection, paragraph, sentence, clause and phrase thereof irrespective of the fact that any one or more other sections subsections paragraphs, sentences, clauses and phrases be declared unconstitutional, or invalid.

§ 16. All laws, and parts of law, in conflict herewith, are to the extent of such conflict hereby repealed.

Senator Sugg offered the following amendments to said bill, viz:

Amendment No. 1. Amend H. B. No. 371 in Senate by adding after line 30, paragraph 10, on page 12 of the printed bill the following words and figures:

“(e) At any other point except on the right hand side where said point is less than one hundred and fifty (150) feet from the brow of a hill, or where the view is otherwise obstructed for said distance.”

Amendment No. 2. Amend H. B. No. 371 in Senate by adding after paragraph 8, on page 8, of the printed bill, the following paragraph:

“Paragraph 8½. That Section 2739g-39 of Carroll’s Kentucky Statutes, 1936 Edition, be and it is hereby amended so as to read as follows:

“Vehicles proceeding from opposite directions shall pass each other from the right, each giving to the other one-half of the road as nearly as possible.’”

Said amendments were each and severally agreed to.

Senator Sugg moved the Previous Question.

Whereupon, the President of the Senate announced, “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leo King	Jos. P. Tackett
Aubrey Barbour	Strother Melton	J. E. Trager
Ollie J. Bowen	J. Lee Moore	Thomas O. Turner
Leer Buckley	James C. Rogers	B. M. Williams
Dr. D. H. Bush	Paul L. Sidebottom	
John M. Hall	John A. Sugg, Jr.	

Those who voted in the negative were—

Paul M. Basham	H. Watt Hillman	Ervine Turner
Edwin C. Dawson	Wm. H. Jones, Jr.	E. T. Wesley
W. C. Farmer	E. C. Moore	Otis White
Lee Gibson	Ray B. Moss	O. C. Whitfield
Ralph Gilbert	Ira W. See	J. E. Wise

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Senator E. C. Moore raised the point of order that said bill had failed to receive a majority necessary for its passage.

The President of the Senate ruled that under the rules of the Senate a vote of two-fifths of the members elected was required for the passage of a bill not carrying an emergency clause and that the point of order as raised by Senator Moore was not well taken.

Senator Sugg offered the following amendment to the title of said bill, viz:

Amend the title to H. B. 371 in Senate by adding after the following words and figures in line 4 of the title of the printed bill, on page 1, “2739g-37”, the following figures: “2739g-39”

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

Senator Sugg moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 372. An Act relating to motor vehicle operators' licenses, repealing, amending and re-enacting Sections 2739m-33, 2739m-35, 2739m-37, 2739m-41, 2739m-48, 2739m-49 and 2739m-50 of Carroll's Kentucky Statutes, 1936 Edition, placing certain restrictions upon the renting of motor vehicles, providing for the examination of applicants for motor vehicle operators' licenses, providing licensees shall report change of name and address, providing penalties for the violation of the provisions hereto, making the Department of Revenue responsible for the administration of the financial provisions and the State Highway Patrol responsible for the administration of the safety provisions of the operators' license laws, repealing sections 2739m-43 and 2739m-51 of Carroll's Kentucky Statutes, 1936 Edition, and declaring itself severable.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section 2739m-33 of Carroll's Kentucky Statutes, 1936 Edition, be, and hereby is, amended to read as follows:

Definition of terms. The following words and phrases when used in this Act shall for the purpose of this Act have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning.

(a) "Vehicle." Every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting devices moved by human and animal power or used exclusively upon stationary rails or tracks, or derives its power from overhead wires.

(b) "Motor Vehicle." Every vehicle, as herein defined, which is self-propelled.

(c) "Farm Tractor." Every motor vehicle designed and used primarily as a farm implement for drawing plows, sowing machines and other implements of husbandry.

(d) "Person." Every natural person, firm, copartnership, association or corporation.

(e) "Owner." A person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this Act.

(f) "Operator." Every person who is in actual physical control of a motor vehicle upon a highway.

(g) "Non-resident." Every person who is not a resident of this State.

(h) "Department." Shall mean the Department of Revenue of the Commonwealth of Kentucky.

(i) "State Highway Patrol." Shall mean any agency for the enforcement of the highway laws of the Commonwealth established pursuant to sections 2739g-97, 4618-99 and 4618-154 of Carroll's Kentucky Statutes, 1936 Edition. All discretionary powers hereinafter vested in the State Highway Patrol shall be exercised in the discretion of the chief officer of said Patrol.

(j) "School Bus." Every motor vehicle owned by a public or governmental agency and operated for the transportation of children to or from school or privately owned and operated for compensation for the transportation of children to or from school.

(k) "Street or Highway." The entire width between property lines of every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for purposes of vehicular traffic. The term "highway" or "street" shall not be deemed to include a roadway or driveway upon grounds owned by private persons, colleges, universities or other institutions

§ 2. That section 2739m-35 of Carroll's Kentucky Statutes, 1936 Edition, be, and hereby is, amended to read as follows:

Persons exempt from license.—(a) No person shall be required to obtain an operator's license for the purpose of driving or operating a road roller, road machinery, or any form tractor or implement of husbandry temporarily drawn, moved or propelled on the highways.

(b) Every person in the service of the Army, Navy or Marine Corps of the United States, when furnished with a driver's permit and when operating an official vehicle in such official service shall be exempt from license under this Act.

(c) A non-resident who is at least sixteen (16) years of age and who has in his immediate possession a valid operator's license issued to him in his home state or country may operate a motor vehicle in this State only as an operator.

§ 3. That section 2739m-37 of Carroll's Kentucky Statutes, 1936 Edition, be, and hereby is, amended to read as follows:

What person shall not be licensed.—(a) An operator's license shall not be issued to any person under the age of sixteen (16) years.

(b) An operator's license shall not be issued to any person whose license as operator has been suspended during the period for which such license was suspended, nor to any person whose license as operator has been revoked under the provisions of this Act, nor to any non-resident whose privilege of exemption under Section 4 of this Act has been refused or discontinued, until the expiration of one year after such license was revoked.

(c) An operator's license shall not be issued to any person who it is determined is an habitual drunkard or is addicted to the use of narcotic drugs.

(d) No operator's license shall be issued to any applicant who has previously been adjudged insane or an idiot, imbecile, epileptic or feeble-minded, and who has not at the

time of such application been restored to competency by judicial decree or released from a hospital for the insane or feeble-minded upon a certificate of the superintendent that such person is competent, nor then, unless the State Highway Patrol is satisfied that such person is competent to operate a motor vehicle with safety to persons and property.

(e) An operator's license shall not be issued to any person when in the opinion of the State Highway Patrol such person is afflicted with or suffering from such physical or mental disability or disease as will serve to prevent such person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways, nor shall a license be issued to any person who is unable to understand highway warning or direction signs in the English language.

(f) An operator's license shall not be issued to any person who is required by this Act to take an examination unless such person shall have successfully passed such an examination.

(g) An operator's license shall not be issued to any person who is required under the provisions of the motor vehicle financial responsibility laws of this Commonwealth to deposit proof of financial responsibility and who has not deposited such proof.

§ 4. That Section 2739m-41 of Carroll's Kentucky Statutes, 1936 Edition, be, and hereby is, amended to read as follows:

Application of minors.—(a) The application of any minor under the age of eighteen years for an operator's license or instruction permit shall not be granted unless such application is signed by the father of the applicant, if the father is living and has custody of the applicant, otherwise by the mother or guardian having the custody of such minor, or in the event the minor under the age of eighteen years has no father, mother or guardian, then an operator's license or

instruction permit shall not be granted to the minor unless his application therefor is signed by his employer.

(b) In the event a minor deposits or there is deposited upon his behalf a proof of financial responsibility in respect to the operation of a motor vehicle owned by him, or if not the owner of a motor vehicle, then with respect to the operation of any motor vehicle, in form and in amounts as required under the motor vehicle financial responsibility laws of this State, the application of such minor may be accepted when signed by one parent or the guardian of such minor, and while such proof is maintained such parent or guardian shall not be subject to the liability imposed under the preceding paragraph of this section.

(c) Any person who has signed the application of a minor for a license may thereafter file with the Department a verified written request that the license of said minor so granted be canceled. Thereupon the license of said minor shall be canceled and the person who signed the application of such minor shall be relieved from the liability imposed under this act by reason of having signed such application on account of any subsequent negligence or willful misconduct of such minor in operating a motor vehicle.

(d) The State Highway Patrol, upon receipt of satisfactory evidence of the death of the persons who signed the application of a minor for a license, shall cause such license to be cancelled and no new license shall be issued such minor until such time as a new application, duly signed and verified, is made as required by this Act. This provision shall not apply in the event the minor has obtained the age of eighteen (18) years.

§ 5. That Section 2739m-48 of Carroll's Kentucky Statutes, 1936 Edition, be, and hereby is, amended to read as follows:

Court to Report.—Any court having jurisdiction over offenses committed under this Act or any other Act of this Commonwealth regulating the operation of motor vehicles on

the highways shall report upon form furnished by the State Highway Patrol the conviction, pleas or forfeiture of bond arising under such Act or Acts to the State Highway Patrol within fifteen (15) days after such action.

§ 6. That Section 2739m-49 of Carroll's Kentucky Statutes, 1936 Edition, be, and is, hereby amended to read as follows:

Mandatory suspension or revocation of licenses:—

(a) The State Highway Patrol shall forthwith revoke the license of any operator upon receiving record of such operator's conviction of any of the following offenses, when such conviction has become final:

(1) Manslaughter resulting from the operation of a motor vehicle.

(2) Assault and battery resulting from the operation of a motor vehicle.

(3) Driving a vehicle while under the influence of intoxicating liquor, or narcotic drug.

(4) Perjury or the making of a false affidavit under this Act or any other law of this State requiring the registration of motor vehicles or regulating their operation on highways.

(5) Any crime punishable as a felony under the motor vehicle laws of this State or any other felony in the commission of which a motor vehicle is used.

(6) Conviction or forfeiture of bail upon three charges of reckless driving all within the preceding twelve months.

(7) A conviction of a driver of a motor vehicle, involved in an accident resulting in the death or injury of another person upon a charge of failing to stop and disclose his identity at the scene of the accident.

(b) The State Highway Patrol, upon receiving a record of the conviction of any person upon a charge of operating a motor vehicle while the license of such person is suspended or revoked, shall immediately extend the period of such first suspension or revocation for an additional like period.

§ 7. That Section 2739m-50 of Carroll's Kentucky Statutes, 1936 Edition, be, and is, hereby amended to read as follows:

Discretionary suspension or revocation by State Highway Patrol.—(a) The State Highway Patrol may immediately suspend the license of any person with or without hearing and with or without receiving a record of conviction of such person of crime whenever the State Highway Patrol has reason to believe:

(1) That such person has committed any offenses for the conviction of which mandatory revocation of license is provided in this Act.

(2) That such person has, by reckless or unlawful operation of a motor vehicle, caused or contributed to an accident resulting in death or injury or serious property damage.

(3) That such person is incompetent to drive a motor vehicle or is afflicted with mental or physical infirmities or disabilities rendering it unsafe for such person to drive upon the highways.

(4) That such person is an habitual reckless or negligent driver of a motor vehicle or has committed a serious violation of the motor vehicle laws of this State.

(b) The State Highway Patrol is hereby authorized to suspend or revoke the right of any non-resident to operate a motor vehicle in this State for any cause for which the license of a resident operator may be suspended or revoked, and any non-resident who operates a motor vehicle upon a highway when his right to operate has been suspended or revoked by the State Highway Patrol shall be guilty of a misdemeanor and subject to punishment as provided in Section 28.

(c) The State Highway Patrol is hereby authorized to suspend or revoke the license of any resident of this State upon receiving notice of the conviction of such person in another state of an offense therein which if committed in this State, would be grounds for the suspension or revocation of

the license of an operator. The State Highway Patrol is further authorized upon receiving a record of the conviction in this State of a non-resident driver of a motor vehicle of any offense under the motor vehicle laws of this State to forward a certified copy of such record to the motor vehicle administrator in the state wherein the person so convicted is a resident.

(d) The State Highway Patrol shall not suspend a license for a period of more than one year and upon suspending or revoking any license shall require that such license so suspended or revoked shall be surrendered to and retained by the State Highway Patrol except that at the end of a period of suspension such license so surrendered shall be returned to the licensee.

§ 8. Renting a motor vehicle to another. (a) No person shall rent a motor vehicle to any other person unless the latter person is then duly licensed hereunder or, in the case of a non-resident, then duly licensed under the laws of the state or country of his residence, except a non-resident whose home state or country does not require that an operator be licensed.

(b) No person shall rent a motor vehicle to another until he has inspected the operator's license of the person to whom the vehicle is to be rented and compared and verified the signature thereon with the signature of such person written in his presence.

(c) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle so rented, the name and address of the person to whom the vehicle is rented, the number of the license of said latter person and the date and place when and where said license was issued. Such record shall be open to inspection by any police officer or employee of the Department.

§ 9. Examination of applicants. (a) The State Highway Patrol may examine every applicant for an operator's license, except as otherwise provided in this section. Such examination shall be held in the county where the applicant

resides, unless such applicant shall in writing make request for examination in another county within not more than ten (10) days from the date application is made. It shall include a test of the applicant's eyesight, his ability to read and understand highway signs regulating, warning, and directing traffic, his knowledge of the traffic laws of this State, and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

(b) The State Highway Patrol is hereby authorized to appoint persons from the Highway Patrol for the purpose of examining applicants for operators' licenses. It shall be the duty of any such person so appointed to conduct examinations of applicants for operators' licenses under the provisions of this chapter.

(c) An operator's license shall be issued without examination to any person applying therefor within three (3) months after this section takes effect who furnishes evidence satisfactory to the State Highway Patrol that he is not disqualified under the provisions of this Act and that he has previously operated a motor vehicle in a satisfactory manner for a period of not less than one year.

§ 10. Notice of change of address or name.—Whenever any person after applying for or receiving an operator's license shall move from the address named in such application or in the license issued to him or when the name of a licensee is changed by marriage or otherwise such person shall within ten (10) days thereafter notify the State Highway Patrol in writing of his old and new addresses or of such former and new names and of the number of any license then held by him.

§ 11. Penalties.—(a) It shall be a misdemeanor for any person to violate any of the provisions of this Act unless such violation is by this Act or other law of this State declared to be a felony.

(b) Unless another penalty is in this Act or by the laws of this State provided, every person convicted of a misdemeanor for the violation of any provision of this Act shall be

punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or by imprisonment for not more than six months, or by both such fine and imprisonment.

§ 12. The Department shall provide or cause to be provided to the appropriate persons or officials an adequate supply of forms for the administration of Chapter 13 of the Acts of the Third Extraordinary Session of the 1936 Kentucky General Assembly as amended by this Act. The style of such forms and the method of their use shall be prescribed by the Department and shall be adequate to protect the financial and safety interests of the Commonwealth.

The Department shall be responsible for collecting all money due the Commonwealth from the circuit court clerks for operators' licenses issued, and shall deposit such money with the State Treasurer.

The circuit court clerks shall receive all applications for operators' licenses and shall maintain an alphabetical file of copies thereof. The circuit court clerks shall also maintain adequate records of all money collected and remitted to the Department and of all residents of the county to whom licenses have been issued or for whom they have been denied, suspended or revoked.

The administration of the provisions of Chapter 13 of the Acts of the Third Extraordinary Session of the 1936 Kentucky General Assembly as amended by this Act relating to the approval of applications, denials, suspensions and revocations of the license privilege, compliance with the license requirement by motor vehicle operators, and any other safety provision of the operators' license laws not specifically vested in the Department of Revenue or the circuit court clerks by this section shall be vested in the State Highway Patrol. To facilitate the effective execution of the provisions of this paragraph, the Department of Revenue shall supply the State Highway Patrol with the original copy of each application

submitted to it by any circuit court clerk. The State Highway Patrol shall have full authority to prescribe and enforce reasonable regulations governing the acts of the circuit court clerks and motor vehicle operators under the safety provisions of the motor vehicle operators' license laws, and to require such reports and the maintenance of such files as it shall deem necessary.

Any person aggrieved by any ruling, regulation or decision of the State Highway Patrol relating to the denial, suspension or revocation of an operators' license or any other safety provision of the motor vehicle operators' license laws shall advise the State Highway Patrol of the same, stating the grounds for his grievance and may, in not less than fifteen (15) or more than thirty (30) days thereafter, petition the Quarterly Court of the county in which such person resides for relief, which court is hereby empowered to grant adequate relief, provided such person shall file a copy of such petition with the State Highway Patrol, and further provided that either the aggrieved person or the State Highway Patrol may appeal from any decision of such court.

§ 13. Sections 2739m-43 and 2739m-51 of Carroll's Kentucky Statutes, 1936 Edition, and all laws or parts of law to the extent that they conflict with this Act are hereby repealed.

§ 14. Severability clause.—Each provision, section, paragraph or phrase of this Act shall apply separately and if any provision, section, paragraph or phrase or the application of such to any person or circumstance be held invalid, such decision shall not affect the validity of the remainder of the Act, it being hereby expressed as the legislative intent that the remainder of the Act would have been passed without the invalid provision, section, paragraph or phrase, or that the Legislature would not have passed such without intending that it should not apply to such person or circumstance.

Senator Mayer moved that consideration of said bill be made a special order of business for the hour of three o'clock P. M. today.

Said motion was agreed to.

Noting their presence in the gallery, the President of the Senate extended a cordial welcome to students from Valley View School, at Valley View, Kentucky.

Senator Gilbert moved that the Senate do now recess until one o'clock P. M.

Said motion was agreed to.

And then the Senate recessed.

AFTERNOON SESSION

The appointed hour having arrived, the President of the Senate resumed the Chair and called the Senate to order.

Senator Ray B. Moss moved that the rules be suspended and the privilege of the floor be extended to Mr. Headley Cord of Pineville, Kentucky.

Said motion was unanimously agreed to.

Senator R. C. Moss moved that the rules be suspended and the privilege of the floor be extended to Dr. A. T. McCor-mack, Mrs. Taber Brewer and Mrs. Guy Herdman.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 179. An Act providing for the teaching and practice of barbering and beauty culture requiring the registration of barber instructors, beauty instructors, barbers and apprentices, beauty culture, beauty schools, barber schools, barber shops and beauty shops, and the supervising of barber shops, barber schools, beauty shops and beauty schools, defining the practice of barbering, beauty culture, manicuring, apprentice practice, exemptions from the operation of the act: qualifications for the certificate of registration as registered instructors, registered barbers, registered beauty specialist, registered manicurists, registered shops and registered schools; providing for application for examination preparatory to practice as registered instructors, registered barbers, registered beauty specialists, registered apprentices and registered manicurists; providing for the establishment of a minimum standard of professional educational of instructors, barbers beauty culturists, and manicurist; providing for the issuance of certificates of registrations of barbers, beauty culturists, instructors, schools, shops, apprentices and manicurists; regulating the admission of barbers, beauty specialists, apprentices, instructors and manicurists to practice in this state who have practiced barbering or beauty culture in another state or country; providing for the present practitioners in this state; for the issuance and display of certificates of registration for the renewal and the restoration of certificates; providing for the establishment of a board of barber and beautician examiners to be known as the Kentucky State Board of Barber and Beautician Examiners; for the hearing by said board of refusal, revocation, renewal or suspension of any certificate of registration; for perfecting appeal from the board, for fees to be charged for the issuance of registration certificates and for fee to accompany application for examination; for certain shop sanitary regulations; for penalty for violation of any provision of this act; for compensation of members of board and method of appoint-

ment by Governor; for organization of said board and its officers; duties of said board, for delegating to it powers to make and publish rules and regulations for the administration of this act and the posting of same in barber shops, beauty shops, barber schools, and beauty schools of this state; for the keeping of the records of the boards proceedings and its publicity; for method of call meetings of the board; for the duties of the boards secretary for compensation of a secretary and each member of the board and limiting salary of any employee, inspector, clerk or assistant; for the declaration by courts of unconstitutionality of any section or part of this act not affecting any part of this act not declared unconstitutional.

This Act shall be known and may be cited as the "Kentucky Barber and Beautician Act."

Whenever, in this Act the word "board" is used it shall be construed to mean the Kentucky State Board of Barber and Beautician Examiners.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

REQUIREMENTS OF REGISTRATION; NAMING OF ACT.

§ 1. (Formerly 1). The General Assembly hereby repeals Chapter 139 of the Acts of the General Assembly of 1934, effective as of August 1, 1938, and re-enacts the following to become effective August 1, 1938. Thereafter it shall be unlawful:

1. To practice or attempt to practice barbering or beauty culture without a certificate of registration as a registered barber or beauty specialist issued pursuant to the provisions of the herein Act, by the Board of Barber and Beautician Examiners hereinafter established.

2. To serve or attempt to serve as an apprentice under

a registered barber or beauty specialist without a certificate of registration as a registered apprentice issued by the board.

3. To operate a barber shop or beauty shop unless it is at all times under the direct supervision and management of a registered barber or beauty specialist.

4. For any person, firm or corporation to manage, operate or control a barber shop, beauty shop, beauty culturist shop, barber school or beauty culturist school without a shop or school certificate of registration duly issued by the Board of Examiners.

5. For any person to serve or attempt to serve as a manicurist without a certificate of registration as a registered manicurist or beauty specialist issued by the board.

6. To teach or attempt to teach barbering or beauty culture without a certificate of registration as a registered barber or beauty culture teacher issued by the board.

7. For any beauty shop or barber shop owner, manager or supervisor to employ or permit any one to practice as a beauty culturist, barber, apprentice or manicurist unless such person holds an unexpired unrevoked certificate of registration issued by the board.

PRACTICE DEFINED.

§ 2. (Formerly 2). The word "beautician" as used in this Act shall be construed to include any branch or combination of branches of the occupation of a hairdresser, cosmetologist, cosmetician, beauty culturist, or any other person holding himself or herself out as practicing beauty culture by whatever designation and within the meaning of this Act which are now or may hereafter be practiced.

Any one or combination of the following practices (when done upon the upper part of the human body for cosmetic purposes and not for the treatment of diseases or physical or mental ailments and when done for payment either directly or indirectly and without payment for the public generally) constitutes the practice of barbering or beauty culture.

(a) Shaving or trimming the beard or cutting the hair;
(b) Giving facial and scalp massage or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances;

(c) Singeing, shampooing, pressing, arranging, dressing or dyeing the hair or applying hair tonics;

(d) Applying cosmetics, preparations, powders, oils, clay or lotions to scalp, face, neck or upper part of the body.

The practice of Beauty Culture shall include each above named section; but Ladies' Hair Cutting, only of Section a, Permanent Waving, Marcelling, Manicuring and Finger Waving.

A person who engages only in the occupation of cutting, trimming, polishing, coloring, cleansing or manicuring the nails of any person and massaging, cleaning, treating or beautifying the hands of any person shall be known as a manicurist, and may obtain a certificate of registration for that separate branch of cosmetology only, as hereinafter provided.

CREATION OF BOARD OF BARBER AND BEAUTICIAN EXAMINERS: QUALIFICATIONS OF MEMBERS.

§ 3. There is hereby created to carry out the purposes and enforcement of this Act a Board of Barber and Beautician Examiners to be known as the Kentucky State Board of Barber and Beautician Examiners. The board shall consist of five members all of whom shall be citizens of this State who are at least twenty-three years of age who shall have been citizens of the United States engaged in the practice of their profession in Kentucky for a period of at least five years prior to his or her appointment.

The Governor shall appoint as members of said board: one master barber, one (shop owner) beautician, one union journeyman barber, one non shop owner beautician and one unorganized barber.

This section shall not affect the term of office of the four present board members appointed under Chapter 139 of the Acts of 1934. At the expiration of the term of office of the present board members whose terms of office expire in four years from the date of their appointment and qualification their successors shall be appointed for a term of four years. At the expiration of the term of office of the present board members whose terms of office expire in four years from the date of their appointment and qualification, their successor shall be appointed for a term of four years thereafter. The non shop owner beautician shall be appointed within thirty days after this Act becomes effective and shall serve for a term of four years and upon the expiration of the four year term his or her successor shall be appointed for a term of four years.

Members appointed by the Governor to fill occurring vacancies shall be appointed from lists submitted by one of the five heretofore mentioned groups not represented on said board by reasons of said vacancy and he or she shall hold office during the unexpired term of their predecessor but this provision does not preclude reappointment.

No person shall be eligible for board membership who is connected directly or indirectly with any barber school, beauty school, wholesale dealer of cosmetic supplies or equipment used by the professions herein defined.

No member of the board shall be permitted to teach the professions herein defined while in office, nor shall any two members of the board be graduates of the same system or school of beauty culture or barbering as the case may be.

QUALIFICATIONS OF INSPECTORS: OFFICERS: COMPENSATION: DUTIES: POWERS: ETC.

§ 4. The appointees to the board shall meet within ten days after the appointment and perfect an organization by electing a president and appointing a secretary, and adopting

reasonable rules and regulations for the transaction of business and for putting into effect the provisions of this Act.

If shall use and adopt a common seal for authentication of its orders and records and establish and keep an office at Frankfort or elsewhere in Kentucky.

The secretary shall keep a record of all proceedings of the board and over thirty (30) days will deposit with the State Treasurer of Kentucky all money collected and take his receipt therefor. And all money received by the secretary at any time and all times, shall be so deposited.

The secretary of the board shall execute to the State of Kentucky a good and sufficient bond, approved by the Governor, in the sum of Ten Thousand (\$10,000.00) Dollars to insure the faithful performance of his or her duties.

A majority of the members of the board present in meetings legally assembled may perform and exercise all the duties and powers developing upon the board.

The secretary of the board shall receive a salary of not to exceed Three Thousand Two Hundred Dollars per annum, and shall be reimbursed for his or her necessary traveling expenses incurred, and incident to the actual discharge of his or her duty. And each member of the board shall receive as compensation for actual attendance on legally assembled meetings of the board, Ten (\$10.00) Dollars for each day such member attends as shown by the record, and shall be reimbursed for necessary traveling expenses to be paid only from the fund created by fees collected in the administration of this Act and subject to such restrictions as is required of other officers of the Commonwealth as to traveling expenses.

The board shall have to employ such inspectors, clerks and assistants as it may deem necessary to carry out the provisions of this Act, provided, however, that such employment is with the knowledge to such person or persons so employed that a pro-rata of the fees collected will insure such payment and not be in excess of receipts.

Inspectors so employed shall be citizens of the United States, who shall have been engaged in the practice of barbering or beauty culture in Kentucky for a period of at least two years prior to his or her appointment.

The board shall meet as provided in section seven of this Act. It will conduct such other business as is urgent and legally before it. For any urgent purpose a call meeting may be had on notice from the president, or should the president refuse such call meeting for any urgent necessity, then in that event a notice from the secretary signed by any three members of the board will legally convene said board for said purpose, but no other business can be transacted at such call meeting except the business specified on the notice.

**PURPOSE OF ACT: BOARD TO PROMULGATE RULES:
COPIES OF RULES: INSPECTIONS AND RECORDS.**

§ 5. The board is authorized to make and promulgate any rule or regulation in its opinion necessary, not in conflict with law, for the purposes of effectively enforcing the provisions of this Act.

The board shall with the approval of the State Board of Health adopt or prescribe such sanitary rules as it may deem necessary, with particular reference to the precautions necessary to be employed to prevent the spreading of infections, communicable or contagious diseases, and shall arrange such inspections as it may deem necessary for the proper carrying out of these regulations in order to properly safeguard the public health and the health of the practitioners. The said sanitary rules and regulations shall specify the sanitary requirements for barber shops, beauty shops, and manicuring shops and barber schools and beauty schools.

Any member of the board or its agents or assistants when authorized in writing by the board shall have the authority to enter upon the premises and into any manicuring shop, barber shop or beauty shop or barber school, or beauty culture school for purposes of official inspection.

The board shall keep accurate and complete records of all its proceedings relating to the issuance, refusal, renewal suspension and revocation of certificates of registration. The records shall contain the name, place of business, and residence of each registered apprentice, barber, beauty culturist, shop owner, school, teacher and manicurist and the date and number of his or her certificate of registration. These records shall be public records open to the public inspection at all reasonable times.

The purpose of this Act shall be to prevent the spreading of diseases and to promote the general health, safety, peace, morals and welfare of the public and practitioners, by promoting sanitary and desirable conditions in beauty shops, manicuring establishments, barber shops, beauty culture schools and barber schools.

All duly adopted rules provided for in this section shall be subject to enforcement under the penalties set forth in section nineteen of this Act. A copy of such rules and regulations adopted and promulgated by the board shall be provided the owner, supervisor or manager of such shops and schools and by such owner, supervisor or manager displayed in a conspicuous place in each shop or school.

§ 6. The following persons are exempt from the provisions of this Act while in the proper discharge of their professional duties:

(a) Persons authorized by the law of this State to practice medicine, surgery, or chiropractic.

(b) Commissioned medical or surgical officer of the United States Army, Navy, or Marine Hospital Service.

(c) Registered nurses.

(d) Undertakers and Embalmers.

EXAMINATIONS AND QUALIFICATIONS.

§ 7. (Formerly Section 9.) *Examinations.* The board shall conduct examinations of applicants for certificates of registration to practice as a registered barber, a registered

beauty specialist, a registered manicurist, a registered apprentice and a registered instructor of barbering or beauty culture not less than three nor more than four times each year at such places as the board may determine.

During the month of December of each year the board shall make and publish the examination schedule for the following year.

The examination of applicant for certificates of registration as registered barbers, registered beauty specialists, registered apprentice and registered instructors of barbering or beauty culture shall include both practical demonstration and written and oral test, and shall embrace the subjects usually taught in schools of barbering and of beauty culture approved by the board.

The practical part of the examination for apprentice beauty culturist and beauty culturist certificates shall be under the supervision of the beautician members of the board.

The practical part of the examination for apprentice barbers and barber certificates of registration shall be under the supervision of the barber members of the board.

Examination for certificates of registration as a manicurist shall include written and oral tests in all things pertaining to the nails, sterilization of tools, etc., as taught in a regular manicuring course of accredited schools of beauty culture.

Each person who desires to practice any of the practices designated within the meaning of this Act, shall file with the secretary of the said board, the required application, with two 3x5 inch signed photographs of the applicant and a health certificate issued by a regularly licensed physician on a form prescribed by said board, and shall deposit with the secretary the required fee.

Each applicant for examination shall make application to the board on blanks prepared and furnished by the board, such application to contain proof under the applicant's oath of the particular qualifications of the applicant.

SCHOOLS: MINIMUM STANDARD OF PROFESSIONAL
EDUCATION: SCHOOL RECORDS: APPLICATION
FOR SCHOOL CERTIFICATES.

§ 8. Registered schools may be established and maintained in this State where beauty culture and barbering may be taught and acquired under the following condition and regulations, to wit:

Any person, firm or corporation may apply to the board for a certificate of registration or license to conduct a school for the teaching of the professions herein defined.

No school of barbering or beauty culture shall be approved by the board unless it requires a prerequisite to graduation, a course of instructions of not less than one thousand hours to be completed in six months of not more than ten hours a day; such course of instructions to include the following subjects:

Histology of the hair; skin; nails; muscles, and nerves of the face and neck; elementary chemistry, relating to sterilization and antiseptics; diseases of the skin, hair, glands, massaging and manipulating of the muscles of the upper body; hair cutting, shaving, arranging, dressing, coloring, bleaching and tinting the hair, and such other courses as scientific research and progress in the future may render desirable.

No school shall be approved by this board that does not provide at least one licensed instructor for every eighteen students or fraction thereof enrolled therein.

Schools shall keep daily records of the attendance of each student, establish grades and hold examinations before issuing diplomas.

Schools must be so located as to be entirely separate from any beauty shop, barber shop, or any other place of business.

All rooms must be properly lighted and well ventilated. Clean sanitary drinking water supply is required.

The board shall have the power to adopt and approve a school curriculum.

QUALIFICATION FOR CERTIFICATE OF REGISTRATION AS REGISTERED MANICURIST.

§ 9. A person is qualified to receive a certificate of registration as a registered manicurist.

- (a) Who is at least sixteen and one-half years of age.
- (b) Who is of good moral character and temperate habits.

(c) Who has completed a manicuring course of study of Three Hundred (300) hours in an accredited school of beauty culture and who has passed satisfactory examination conducted by this board to determine his or her fitness to practice as a registered manicurist.

QUALIFICATION FOR CERTIFICATE OF REGISTRATION OF REGISTERED APPRENTICE.

§ 10. (Formerly Section 6.) *Qualifications for Certificates of Registration as Registered Apprentice.*

A person is qualified to receive a certificate of registration as a registered apprentice:

- (a) Who is at least sixteen and one half (16½) years of age.
- (b) Who is of good moral character and temperate habits.

(c) Who has graduated from an accredited school of barbering or beauty culture; and who has passed a satisfactory examination conducted by the board to determine his or her fitness to practice as a registered apprentice. An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination is required to complete a further course of study of not less than three hundred (300) hours to be completed within three (3) months of not more than eight (8) hours in any working day in an accredited school of barbering or beauty culture.

(d) Who has at least two years high school education or its equivalent.

PRACTICE OF APPRENTICE.

§ 11. (Formerly Section 3.) No registered apprentice may independently practice barbering, or practice as a beauty specialist but he or she may do any or all of the acts constituting the practice of barbering and that of a beauty specialist under the immediate supervision of a registered barber or beauty specialist and only one may be employed in any licensed or registered shop.

Registered apprentice barbers shall serve their apprenticeship under regular barbers.

Registered apprentice beautician or beauty specialists shall serve their apprenticeship under regular registered beauty specialists.

QUALIFICATION FOR CERTIFICATE OF REGISTRATION AS REGISTERED BARBER OR REGISTERED BEAUTY SPECIALIST

§ 12. A person qualified to receive a certificate of registration to practice barbering and beauty culture:

- (a) Who is qualified under Section ten of this Act.
- (b) Who is at least eighteen years of age.
- (c) Who is of good moral character and temperate habits.
- (d) Who has practiced as a registered apprentice for twelve months under the immediate supervision of a registered member of his or her profession; and
- (e) Who has passed a satisfactory examination conducted by the board to determine his or her fitness to practice barbering or beauty culture.

An applicant for a certificate to practice as a registered barber or beauty culturist, who fails to pass a satisfactory examination conducted by the board must continue to practice as an apprentice for an additional four months before he or she is entitled to retake the examination for registered barber or beautician certificate.

QUALIFICATION FOR CERTIFICATE OF REGISTRATION AS A REGISTERED INSTRUCTOR OF BARBERING OR BEAUTY CULTURE.

§ 13. A person is qualified to receive a certificate of registration to instruct or teach in an accredited school of barbering or beauty culture:

(a) Who has a high school education or its equivalent.

(b) Who is of good moral character and temperate habits.

(c) Who has qualified and practiced under Section 12 of this Act as a registered barber or beauty culturist for twelve months.

(d) Who has passed a satisfactory examination conducted by the board to determine his or her fitness to teach barbering or beauty culture.

PRESENT PRACTITIONER: SHOPS AND SCHOOLS.

§ 14. The provisions of this Act shall not be construed to affect the validity of any certificate issued to any barber, instructor, or beauty specialist under the provisions of Chapter 139 of the Acts of the One Thousand Nine Hundred Thirty Four Session of the General Assembly. And all such certificates may be renewed or restored as provided in this Act.

Every person now engaged as a manicurist as herein defined and who has practiced as a manicurist for a period of six months continuously prior to the taking effect of this Act, may obtain a certificate of registration without examination by filing with the board's secretary the required application and fee on or before September 1, 1938.

All shops and accredited schools in active operation at the time this Act becomes effective may obtain shop or school certificates of registration by properly filing with this board on, or before August 1, the required Application and fee.

Persons, shops, or schools, failing to qualify for certificates by exemption as provided in this Section must qualify as otherwise provided in this Act.

NON-RESIDENTS

§ 15. Persons having practiced barbering and beauty culture in another state or country :

(a) A person who is at least eighteen years of age.

(b) Who is of good moral character and temperate habits and who has a license or certificate of registration as a practicing barber or beautician from another state or country which has substantially the same requirements for licensing or registering; or,

Who can prove by affidavits to the board's satisfaction that he or she has the educational requirements set forth in Section 10 and has practiced as a barber or beautician in another state or country not having a barber or beauty culture law for at least three years prior to making application in this State; may be accepted for examination to determine his or her fitness to receive a certificate of registration to practice barbering or beauty culture.

A person who is at least sixteen and one half years of age;

Who is of good moral character and temperate habits; and,

Has a certificate of registration as an apprentice in a state or country which has substantially the same requirements as an apprentice, as it approved by this Act, shall upon payment of the required fee be accepted for the examination. Being able to pass the required examination, he or she will be issued a certificate of registration as a registered apprentice and the time spent in such state or country shall be credited upon the period of apprenticeship required by this Act as a qualification to take the examination as regular registered barber or regular registered beauty specialist.

A person who has practiced as an apprentice in another state or country which does not have substantially the same requirements for registration as an apprentice as required by this Act, and who has qualified as required by Section 10 of this Act, shall be credited with the time so spent as an appren-

tice in such other state or country upon period of apprenticeship required by this Act as a qualification to take the examination to determine his or her fitness to receive a certificate of registration as a fully registered member of the barber or beauty culture profession.

NON-RESIDENTS

§ 15. A person who is at least sixteen and one half years of age: Who is of good moral habits: and has a certificate of registration as a registered manicurist from another state or country which has substantially the same requirements for manicurist as is required by this Act may be accepted for examination to determine his or her fitness to receive a certificate of registration to practice as a registered manicurist in this State.

RENEWAL AND RESTORATION OF CERTIFICATES.

§ 16. (Formerly Section 14.) Every registered school, teacher, barber shop, beauty shop, barber, beauty specialist, manicurist and every registered apprentice that continues in active practice, service or operation, shall annually on or before July of such year renew such certificate of registration and pay the required fee.

Every certificate of registration which has not been renewed during the month of July in any year, shall expire on the first day of July in that year.

A registered school or shop whose certificate of registration has expired may have the certificate restored immediately by properly filing application and paying the required restoration fee.

Any registered barber, manicurist, teacher, apprentice or beauty specialist who retires from the practice of his or her profession for not more than five years may by proper procedure restore his or her certificate of registration.

Every application for admission to examination and all

applications for certificates of registration shall be in writing on blanks prepared by the board.

The application blank shall have a certificate of good health attached thereto. The said health certificate must be signed by a duly licensed physician and must show the applicant to be free from any infectious, contagious or communicable disease.

Every registered practitioner of the professions defined herein and every registered shop or establishment shall within thirty days after changing the address of their place of business as designated on the books or records of the board, notify the secretary, thereof of their new place of business and upon receipt of said notification the secretary shall make the necessary changes in the register and records.

Any person, firm or corporation may apply to the board for a certificate of registration or license to operate a barber or beauty culture shop. Application for shop certificates of registration must list the true owner and manager of the shop.

FEEES

§ 17. The fee to be paid by the applicant for an examination to determine his or her fitness to receive a certificate of registration to practice barbering or to practice as a beauty specialist, is Ten, (\$10.00) Dollars, and for the issuance of a certificate of registration, Five (\$5.00) Dollars.

The fee to be charged an applicant for an examination to determine his or her fitness to receive a certificate of registration to practice as an an apprentice is Five (\$5.00) Dollars, and for the issuance of the certificate One (\$1.00) Dollar.

The fee to be paid for renewal of any certificate of registration to practice barbering or as a beauty culturist is Three (\$3.00) Dollars and for the restoration of an expired certificate, Five (\$5.00) Dollars.

The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate as a registered manicurist shall be Four (\$4.00) Dollars. The fee to be

charged for the issuance of the certificate is One (\$1.00) Dollar. The fee to be charged for the restoration or renewal of a manicurist certificate of registration shall be Two (\$2.00) Dollars.

The fee to be paid by an applicant for an examination to determine his or her fitness to receive a certificate of registration as an instructor of beauty culture or barbering is Twenty (\$20.00) Dollars, and for the issuance of a teachers certificate, the fee is Five (\$5.00) Dollars. The fee to be charged for the renewal or restoration of a teachers certificate is Five (\$5.00) Dollars.

No fee shall be charged for the annual registration of Beauty Shops or Barber Shops. The annual registration fee for a school of barbering or beauty culture shall be Fifteen (\$15.00) Dollars.

Any applicant failing to pass an examination shall upon application be permitted a second or third examination for which no fee shall be required, providing, however, that the second or third examination is taken within a period of twelve months after the first examination.

A duplicate license or certificate shall be issued upon the filing of a statement covering the loss of the certificate verified by the oath of the applicant.

A fee of One (\$1.00) Dollar will be charged for the issuance of such duplicate certificates. Each duplicate shall have the word "duplicate" stamped across the face thereof and will bear the same date and show the number of the original certificate.

ISSUANCE AND DISPLAY OF CERTIFICATES: SIGNATURES.

§ 18. Whenever, the provisions of the Act herein have been complied with the board shall issue a certificate of registration to the applicant.

Every certificate of registration or license issued by the

board shall specify the profession the certificate entitles the holder thereof to practice.

The certificate shall be signed by the president and countersigned by the board's secretary with the seal of the board attached.

Every certificate issued shall be prima facie evidence of the right of the holder thereof to practice the profession specified therein.

Every holder of a certificate shall display it in a conspicuous place adjacent to, or near his or her work chair or desk.

REFUSAL AND REVOCATION OF CERTIFICATES

§ 19. (Formerly Section 15.) Refusal and revocation of certificates:

The board may either refuse to issue or renew or may suspend or revoke any certificate of registration for any one or combination of the following causes:

(a) The conviction of a felony shown by a certified copy of the court of conviction.

(b) Gross malpractice or gross incompetency.

(c) Continued practice by a person knowingly having an infection or contagious disease.

(d) Habitual drunkenness or habitual addiction to morphine, cocaine or other habit forming drugs.

(e) The use of any room or place for barbering or beauty culture which is also used for residential or business purposes (except the sale of hair tonics, lotions, creams, and such commodities as are used in barber and beauty shops) unless such room or place is separated and segregated by a substantial partition of ceiling height from that portion used for sleeping, residential or business purposes.

(f) Advertising by means knowingly false or deceptive statements, and advertising of prices or barber services in any form whatsoever, directly, or indirectly, or in any way

suggestive to prices, by any person, persons, firm or corporation.

(g) Performing any of the services constituting barbering for pay, free, or otherwise on Sunday.

(h) The violation of this Act or any of the rules and regulations promulgated by the board as provided for in this Act.

(i) To continue to be employed in a beauty shop, barber shop, barber school or beauty school wherein the sanitary regulations of the board promulgated for the regulation of beauty shops, barber shops, beauty schools or barber schools are known by registered beauty culturist, registered barber, registered apprentices, registered manicurist to be violated.

(j) Immoral or unprofessional conduct.

(k) The Governor shall have the power to remove any board member from office found guilty of violating this section. Proof of such guilt shall be given under oath or in affidavit forms. The Governor shall fill any vacancy thus occasioned by appointment within thirty days after such vacancy occurs.

HEARINGS BY BOARD: APPEAL.

§ 20. The board may neither refuse to issue nor refuse to renew nor suspend nor revoke any certificate or registration, however, for any of these causes unless the person, shop, firm or school accused has been given at least twenty days notice in writing of the charge against them and a public hearing by the board.

Upon the hearing of such proceedings the board may administer oath and may procure by its subpoenas the attendance of witnesses and the production of revelant books and papers.

Any person, shop, firm or school aggrieved by the action of the board, may appeal to the Franklin Circuit Court at Frankfort, Kentucky, by filing with the clerk of said court a certified copy of the charge or charges, as heard by the board,

said board being required to make certified copies of said charge or charges on demand of applicant and when same is lodged with the clerk of said circuit court at Frankfort, Kentucky and advanced cost required paid, within ten days after the board's finding the appeal will have been perfected and shall be docketed and will stand for trial.

All licensee instructors, apprentices, barber and beauticians shall practice in a definitely established place of business.

Shops or schools located in residences must have outside entrances and use lavatories other than those used for families or residential purposes.

SCHOOL AND SHOP SANITARY REGULATIONS.

§ 21. It shall be unlawful:

(a) For any barber, beautician, apprentice or manicurist to knowingly continue to practice their profession, or for any student knowingly to continue as a student in any school or college provided for in this Act while such person has an infectious, contagious or communicable disease.

(b) Not to provide the head rest of each chair with a re-laundered towel or a sheet of clean paper for each patron.

(c) Not to place around the patrons neck a strip of cotton, towel or neck strip so that the hair-cloth does not come in contact with the nude skin of the patrons body.

(d) To use on one patron a towel that has been used upon another patron, unless, and until the towel has been re-laundered.

(e) To use on any patron any razor, scissors, tweezers, combs, sachets, rubber discs and parts of vibraters and all other similar equipment or appliances that comes in contact with the head, face, hands or neck until such equipment or appliances have been immersed in boiling water for ten minutes, or immersed in a sterilizing solution and placed in a wet or dry sterilizer until again used. Only such methods of sterili-

zation as are bacteriologically effective and approved by the State Board of Health shall be permitted.

PENALTY OF VIOLATION OF ANY OF THE PROVISIONS OF THIS ACT.

§ 22. (Penalty for Violating the Provisions of this Act.) Any person, firm or corporation violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed one hundred (\$175.00) seventy-five dollars, and not less than (\$19.00) dollars.

PARTIAL UNCONSTITUTIONALITY.

§ 23. (Formerly Section 22.) If any part, section, subsection, sentence, clause or phrase of this Act on review by the Courts of the State be declared unconstitutional or invalid it shall not effect the validity or force of the remaining parts, sections, subsections, sentences, clauses, or phrases not declared to be unconstitutional.

§ 24. No part, section, subsection, sentence, clause or phrase of this Act shall be construed in any manner to conflict with or destroy the purpose or meaning of any provisions of the 1936 Governmental Re-Organization Act, nor shall it be construed to destroy the Governor's power or right to remove board members from office.

All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Senator See moved that consideration of said bill be made a special order of business for the hour of 2:30 P. M., today.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

S. B. 108. An Act amending and re-enacting Section 4072, of Kentucky Statutes, Carroll's edition 1936, relating to advancement of money to defray expenses and partial payment on salaries of the county tax commissioner in counties containing a city of the first class, and repealing conflicting laws.

Senator Trager moved that a bill of the following title, viz:

H. B. 176. An Act amending and re-enacting Section 4072, of Kentucky Statutes, Carroll's edition 1936, relating to advancement of money to defray expenses and partial payment on salaries of the county tax commissioner in counties containing a city of the first class, and repealing conflicting laws.

Be substituted for the aforesaid bill.

Said motion was agreed to.

Said last named bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4072, of the Kentucky Statutes, Carroll's edition 1936, relating to county tax commissioners in counties containing cities of the first class, be amended by striking therefrom after the words "advancement of", the words Five Thousand Dollars, (\$5,000.00), and inserting in lieu thereof the words, Five Thousand Five Hundred Dollars, (\$5,500.00), so that the said Section 4072 as amended will read as follows, to-wit:

§ 1. In counties containing cities of the first class, the county tax commissioner shall be entitled to receive an

advancement of Five Thousand Five Hundred Dollars, (\$5,500.00) per month to defray necessary official expenses and partial payment upon the salaries of himself and his deputies and assistants, and the Auditor of Public Accounts shall on the first of each calendar month draw his warrant on the treasurer in favor of such county tax commissioner for such sum. The sum of such advancements shall be deducted from the total amount found to be due such tax commissioner when yearly settlements are made. Should the tax commissioner in such county die, resign or be removed from office, or should the office of county tax commissioner in such county for any cause become vacant, the sums advanced hereunder shall be deducted from the total sum due for making assessment.

All laws and parts of laws in conflict herewith are hereby repealed.

Senator Trager moved the Previous Question.

Whereupon, the President of the Senate announced, " Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson Aubrey Barbour Paul M. Basham

Stanley H. Blake	Wm. H. Jones, Jr.	Paul L. Sidebottom
Dr. D. H. Bush	Leo King	Jos. P. Tackett
Edwin C. Dawson	Stanley B. Mayer	E. T. Wesley
W. C. Farmer	Strother Melton	J. E. Trager
Lee Gibson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Dr. R. C. Moss	B. M. Williams
John M. Hall	Ray B. Moss	J. E. Wise
J. Joseph Hettinger	James C. Rogers	
H. Watt Hillman	Ira W. See	

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Resolved that the title thereof be as aforesaid.

Senator Trager moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, Senator Gilbert moved that the rules be suspended for the purpose of considering a bill entitled, viz:

H. B. 18. An Act to amend Section 2554c-1 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

Said motion was agreed to by a majority of the members elected.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 2554c-1 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be amended by striking from subsection (b) of said section, the words "one per centum or more of alcohol by volume," and substituting therefor "more than 3.2 per centum of alcohol by weight," so that said section when so amended shall read as follows:

Section 2554c-1. As used in this Act the following terms, unless the text otherwise indicates, shall have the following meanings respectively.

(a) "Local option territory" or "territory" means such county, city, town, district or precinct for which a petition shall be filed asking for an election to take the sense of the voters regarding the sale, barter and loan of intoxicating liquors as provided, and such governmental unit where a majority shall have voted in favor of prohibiting the sale, barter or loan of said liquors or the possession or transportation thereof.

(b) "Spirituous, vinous or malt liquors" means, respectively, intoxicating liquor. "Intoxicating liquor" means alcoholic brandy, whiskey, rum, gin, beer, ale, porter and wine and in addition thereto any spirituous vinous, malt or fermented liquors, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called containing more than 3.2 per centum of alcohol by weight which are fit for use for beverage purposes.

(c) The word "person" includes the singular and plural number, and shall mean and include a natural person, association, co-partnership or corporation.

(d) "Election" means an election to be held for the purpose of taking the sense of the people as to the prohibition or permission of the sale, barter or loan of spirituous, vinous or malt liquors in any territory.

(e) "Prohibition" means that the sale, barter, or loan of intoxicating liquors have been rendered unlawful under the terms of this Act.

(f) "Local Option Law" refers to the provisions of this Act.

Senator Tackett, at the instance of the Committee on Rules, offered the following amendment to said bill, by way of substitute therefor, viz:

RULE COMMITTEE SUBSTITUTE FOR HOUSE
BILL NO. 18.

An Act Repealing Amending and Re-enacting Section 2554c-1, Baldwin's Kentucky Statutes Service, Being Section 1 of Chapter 1 of the Acts of The 1936 Regular Session of the General Assembly of the Commonwealth of Kentucky And Providing For A Referendum To Be Submitted To The Voters of Any Precinct, District, Town, City or County To Determine When This Act Shall Become Effective In Each Respective Precinct, District, Town, City, or County Where Under The Local Option Act Such Precinct, District Town, City or County Are Legally Dry.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF
THE COMMONWEALTH OF KENTUCKY:

That Section 2554c-1, Baldwin's Kentucky Statutes Service, being Section 1 of Chapter 1 of the Acts of the 1936 Regular Session of the General Assembly of the Commonwealth of Kentucky be repealed, amended and re-enacted so as to read as follows:

1. Definitions

Sec. 2554c-1. Definitions.—As used in this Act, the following terms, unless the text otherwise indicates, shall have the following meanings respectively:

(a) "Local Option Territory" or "Territory" means such county, city, town, district or precinct for which a petition shall be filed asking for an election to take the sense of the voters regarding the sale, barter and loan of intoxicating liquors as provided, and such governmental unit where a majority shall have voted in favor of prohibiting the sale barter or loan of said liquors or the possession or transportation thereof.

(b) "Spirituuous, vinous or malt liquors" means respectively, intoxicating liquor. "Intoxicating Liquor" means alcoholic brandy, whiskey, rum, gin, beer, ale, porter and wine

and in addition thereto any spirituous, vinous, malt or fermented liquors, liquids and compounds, whether medicated, proprietary, patented or not, and by whatever name called, containing more than one percentum of alcohol by volume, which are fit for use for beverage purposes.

(c) The word "person" includes the singular and plural number, and shall mean and include a natural person, association, co-partnership or corporation.

(d) "Election" means an election to be held for the purpose of taking the sense of the people as to the prohibition or permission of the sale, barter or loan of spirituous, vinous or malt liquors in any territory.

(e) "Prohibition" means that the sale, barter or loan of intoxicating liquors have been rendered unlawful under the terms of this Act.

(f) "Local Option Law" refers to the provisions of this Act. Provided, however, that the definition of spirituous, vinous or malt liquors and intoxicating liquors as used in this Act shall not apply to malt beverages in any county, city, town, district or precinct not now legally Dry under the Local Option Act, same being Chapter 1 of the Acts of the 1936 regular session of the General Assembly of this Commonwealth, but which shall hereafter become legally Dry, if there shall be held in the manner hereinafter set out, a referendum in which the sense of the legal voters of such county, city, town, district or precinct may be taken, at which said referendum a majority of the votes cast shall be in favor of the sale in such county, city, town, district or precinct of non-intoxicating malt beverages containing not more than 3.2 percentum of alcohol by weight. In any county, city, town, district or precinct which may become legally Dry under the Local Option Act, a referendum shall be held whenever a petition is filed in the County Court Clerk's office of the County in which it is elected to hold a referendum and to which such petition there are attached signatures of voters of the local option territory in which a vote is asked, equal in number to 25 percent of the total num-

ber of votes cast in the last regular election in said territory, designated by the petition to be voted in, at the next regular term of the County Court following the filing of the petition, and said referendum shall be held on the date specified in the petition, which may be any date on which such an election may be held under the Constitution of the Commonwealth. Such referendum shall be held in substantially the same manner as are other elections and there shall be submitted to the voters in the territory where such referendum is held a question in substantially the following form, to wit:

“Are you in favor of the sale of non-intoxicating malt beverages containing not more than 3.2 percent of alcohol by weight”

YES.....

NO.....

In the event a majority of the legal votes cast in a referendum held under the provision of this Act, are in the affirmative, then non-intoxicating malt beverages containing not more than three and two tenth percentum of alcohol by weight, shall be held legal in the territory in which said referendum was held. If a majority of the legal votes cast in such referendum election shall be in the negative, then the sale of such malt beverages shall continue to be illegal until the next local option election and referendum, if such be necessary to determine the sense of the legal voters on the question legalizing the sale of malt beverages as provided in this Act. The votes cast in the referendum shall be counted and certified in the same manner as the votes in other elections.

The petition calling for the referendum shall be filed not less than twenty-five nor more than sixty days before the date specified for the holding of the referendum, and such referendum shall be advertised for a period of at least two weeks in at least two issues of a newspaper of general circulation, printed and published in the county in which said referendum is called, or if there be no newspaper printed and published therein, by posting handbills in at least five conspicuous

places in every precinct in which the referendum is to be held. The advertisement shall describe the time and place for the holding of the referendum and the question to be voted upon, must be stated in full.

Irrespective of Title or Article headings or the language used, it is the legislative intent to protect territory which is legally dry at the time of the passage of this Act, or which may hereafter become dry in accordance with the local option laws, and no referendum shall be held in such legally dry territory, until the termination of the three year period for which a local option election holds, such three years being determined by the date on which such local option election was actually held. The referendum provided for in this Act can only be called providing the local option election has banned intoxicating liquors from the territory or governmental unit in which the referendum is called, and then only to determine whether it is the sense of the voters that a non-intoxicating malt beverage containing not more than 3.2 percentum of alcohol by weight shall be permitted.

If any part or paragraph of this Act shall be held unconstitutional such decision shall not effect the constitutionality of the balance of the Act as it is declared to be the legislative intent to enact each sentence, part and paragraph separately.

Senator Tackett moved that further consideration of said bill be made a special order of business for the hour of 2:30 o'clock this afternoon.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 199. An Act to repeal, amend, and re-enact Sec-

tions 4042a-8 and 4042a-10 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, relating to the compensation of the county tax commissioner—maximum fees and allowance for deputies and deductions for omitted lists.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4042a-8 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, be and the same is hereby repealed, amended and re-enacted, so that when repealed, amended and re-enacted it shall read as follows:

The county tax commissioner shall, after he has returned his assessment books to the county court clerk, present to the county court his account, verified by affidavit, stating the total assessed value of the property listed by him as shown by his assessment books, and the county court shall approve and allow eighty per cent (80%) of the amount due the county tax commissioner, based upon his assessment. When a copy of said order of allowance is presented to the Department of Finance, it shall, upon approval by the Department of Revenue, authorize payment of the county tax commissioner for the amount so approved and allowed. When the county board of supervisors has completed its work and the same has been certified to the Department of Revenue showing the total assessed value of the property of the county, the county tax commissioner shall present his account for the balance due to the county court, which shall be allowed in the manner now provided by law, and upon approval by the Department of Revenue of the balance due the Department of Finance shall authorize payment to the county tax commissioner for the remaining twenty per cent (20%) due for the services required of him by law, which shall be based on the total value of the assessment made by him as finally equalized by the county board of supervisors as follows: Five cents (5c) on the one hundred dollars (\$100.00) of the first million dollars (\$1,000,-

000) and two cents (2c) on each one hundred dollars (\$100.00) of the excess over one million dollars (\$1,000,000). Ten cents (10c) for each poll listed where there is only a poll list, and, no taxable property listed there shall be allowed and paid by the fiscal court out of the money derived from the collection of county poll taxes, but no county tax commissioner shall be entitled to receive more than four thousand dollars (\$4,000) for his services during any year. Provided, that the allowance of ten cents per poll listed shall not be applicable to any commissioner during his present term.

In counties in which the assessed value of property exceeds twenty million dollars (\$20,000,000) the county tax commissioner shall be allowed as compensation to the deputies appointed and qualified the sum of fifteen hundred dollars (\$1,500) for each seven and one-half million dollars (\$7,500,000) of property which may be assessed in excess of twenty million dollars (\$20,000,000); provided, however, the total sum allowed to any county tax commissioner and his deputies shall not exceed seven thousand dollars (\$7,000) in any county except in a county having a city of the first class and in such county the present law shall remain in force. The counties shall allow to the county tax commissioner for assistance fifteen (\$1,500) in any county assessing more than thirty-five million dollars (\$35,000,000) in taxable property. In counties where the assessment does not exceed one million dollars (\$1,000,000) the county tax commissioner shall be paid six cents (6c) on the one hundred dollars (\$100.00) of the entire property listed. In counties containing a city of the second class on the first of April, one thousand nine hundred and twenty-two, and the first of each calendar month thereafter, the Department of Finance shall authorize payment for three hundred dollars, which shall be paid to the county tax commissioner, said three hundred dollars being an advancement to the tax commissioner by the Commonwealth of Kentucky to defray necessary official expenses and partial payment upon the salaries of himself and deputies. Said sum shall be

deducted from the total paid the tax commissioner by law when the yearly settlements are made. Should the tax commissioner die, resign or be removed from office, or should the office of tax commissioner in counties containing a city of the second class for any cause become vacant, the sums advanced hereunder shall be deducted from the yearly settlement when said settlement is made.

Provided, however, that the tax commissioner of any county may obligate and spend any of the compensation earned by him over and above that actually used in compensating himself and his deputies and assistants as herein provided, or over and above that herein authorized as the maximum compensation for himself, his deputies and assistants, for the purchase of any maps, lists, charts, materials, supplies or equipment which is necessary to the proper assessment of property in the county, and not required by law to be furnished by the county, the fiscal court thereof, or the State; provided, however, that such purchases may be made only with the approval of the Department of Revenue. Upon approval of such expenditures by the Department of Revenue, the necessity of such expenditures shall not be questioned, provided compensation earned under the provisions of the law is adequate during any fiscal year to meet, firstly, the compensation of the county tax commissioner, his deputies and assistants, and secondly, all obligations arising from such purchases, provided, further, that any maps, lists, charts, materials, supplies or equipment so purchased shall become the property of the county, to be used by the incumbent tax commissioner and his successors as provided by law or prescribed by the Department of Revenue.

Section 4042a-10 of Carroll's Kentucky Statutes, 1930 Edition, is hereby repealed, amended and re-enacted to read as follows:

4042a-10.—A reduction of fifty cents (50c) shall be made from the county tax commissioner's compensation for each list he shall fail to report for taxation or report without

authority of law, and one dollar (\$1.00) for each duplicate assessment. Provided, however, that the reduction of fifty cents (50c) herein provided for failure to list or report for taxation shall not apply to any list which a county tax commissioner may secure and file with the Department of Revenue for the taxpayer, as provided in Chapter 21 of the Fourth Extraordinary Session of 1936 General Assembly of Kentucky.

The county tax commissioner shall be liable on his bond for all deductions authorized by law to be made for duplicated or ommitted lists. After the sheriff has made his final settlement with the Auditor of Public Accounts (Department of Revenue after the first Monday of January, 1940) for the year, the sheriff shall report on oath to the fiscal court at their next term a list of all persons, with their taxable property, so far as in known to him, who were omitted by county tax commissioner, also the names of any persons duplicated by the county tax commissioner, and it shall be the duty of the fiscal court to certify such lists to the Department of Revenue for appropriate action, as provided by law. A duplicate copy of such list shall also be certified by the fiscal court to the county tax commissioner, who is hereby authorized to secure listings of such property without incurring a reduction in compensation.

Senator Attkisson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Strother Melton	Jos. P. Tackett
Aubrey Barbour	J. Lee Moore	J. E. Trager
Paul M. Basham	Dr. R. C. Moss	Thomas O. Turner
Ollie J. Bowen	Ray B. Moss	Otis White
W. C. Farmer	James C. Rogers	O. C. Whitfield
Lee Gibson	Ira W. See	B. M. Williams
John M. Hall	John A. Sugg, Jr.	J. E. Wise

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Those who voted in the negative were—

Stanley H. Blake	J. Joseph Hettinger	E. C. Moore
Dr. D. H. Bush	H. Watt Hillman	Paul L. Sidebottom
Waller A. Crockett	Leo King	
Ralph Gilbert	J. W. McDonald	

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Resolved that the title thereof be as aforesaid—

Senator Hall moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 379. An Act concerning wild animals, wild birds and fish; and repealing sections 1893b-1 to 1905-7, inclusive,

Sections 1938a-1 to 1954-21 inclusive, and Sections 1954c-1 to 7954c-69 inclusive, Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Assembly of Kentucky:

TITLE I.

SHORT TITLE; DEFINITIONS

§ 1. *Short Title.* This Act shall be known as the Game and Fish Code:

§ 2. *Definitions.* As used in this Act

(a) "Person" includes association, partnership and corporation.

(b) "Division" means Division of Game and Fish of Department of Conservation.

(c) "Commission" means Game and Fish Advisory Commission and "Director" means Director of Game and Fish Division.

(d) "Take" means hunt, kill or capture or attempt to hunt, kill or capture.

(e) "Angling" means taking fish by hook and line in hand, or rod in hand, or set-lines; or trot lines; but the use of grappling naked and snatch hooks, gigs and nets of any kind shall not be construed as angling.

(f) "Transport" includes offering or receiving for transportation.

(g) "Sell" includes offer for sale, possess for sale, barter, exchange or trade.

(h) "Buy" includes offering to buy, possess after buying by barter, exchange or trade.

(i) "Navigable Waters" means any waters within this State under lock and dam.

(j) "Minnows" means all small fish used for bait for

angling except black bass, trout, crappie and rock bass or "goggle-eye".

(k) "Public Waters" mean all waters within the State flowing in natural channel streams.

(l) "Each Offense" means each bird, fish or animal taken, possessed, bought or sold or transported and each device used or possessed contrary to the provisions of this Act shall constitute a separate offense.

(m) "Wild Bird and Wild Animal" shall include such wild bird or wild animal or any part thereof.

(n) "Resident" is a person who has resided in this State for one year prior to their application for license.

"Non-Resident" is a person who has not resided in this State for one year prior to their application for a license.

(o) "Officer" means Conservation Officer.

TITLE II.

GENERAL PROVISIONS

§ 3. *Division of Game and Fish; Director; Commission; Manner and Time of Appointment.* The affairs of the Division of Game and Fish heretofore created by the "Governmental Reorganization Act of 1936", shall be administered by a Director under the supervision of the Commissioner of Conservation and an advisory Commission of seven members to hold office as is now provided by law except that those who compose the Commission on the effective date of this Act shall remain in office and the additional members created by this Act shall be appointed by the Governor, as now provided by law, for a four-year term as is now provided when their respective terms expire their successors shall be appointed for four-year terms.

Nothing in this Act shall be construed to deprive the Governor of the right to remove any of the Officers, Commissioners or employees provided for in this Act, or in any manner

to repeal any of the provisions of the Governmental Reorganization Act of 1936.

§ 4. *Expenses of Commission.* The members of the Commission shall receive no compensation for their services as members thereof except that each Commissioner shall be entitled to reimbursement for actual and necessary traveling and other expenses and disbursements incurred or made by him in the discharge of his official duties up to the amount of (\$1,000.00) one thousand dollars a year to be paid from the Game and Fish Fund.

§ 5. *Quorum.* A majority of the Commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power.

§ 6. *Location of Offices.* The Commission shall have its principal office in Frankfort, Kentucky.

§ 7. *Offices of Commission.* When the office of Chairman of the Commission becomes vacant the Governor shall from its members select a chairman to hold such position for the remainder of his term or for such period of time as the Governor may designate. The position of Secretary shall be filled from the membership of the Commission. The Commission shall hold regular quarterly meetings at its offices in the Capitol and at such other times and places in Kentucky as the Commission shall select for the transaction of business.

§ 8. *Oath and Bond of Director.* Before entering upon the duties of his office the Director shall take and subscribe to the constitutional oath of office and shall in addition thereto swear or affirm that he holds no other political office nor any position under any political Committee or party. Such oath or affirmation shall be filed in the office of the Secretary of State.

The Director shall execute and file with the State Treasurer a bond to the people of the State of Kentucky, in the sum of (\$5,000.00) conditioned upon the faithful performance of his duties and that he will account for and pay over pursuant

to law all State monies received by him under law for the protection of wild animals, birds and fish. The premium on such bond shall be paid from the Game and Fish fund.

§ 9. *Enforcement of Game and Fish Laws.* The Director shall have general supervision and control of all activities, functions and employees of the Game and Fish Division and shall enforce all of the provisions of the laws of this State relating to wild animals, birds and fish and shall exercise all necessary powers incident thereto, under the supervision of the Commissioner of Conservation.

The Director is hereby authorized to appoint with the approval of the Commissioner of Conservation and the Governor as many Conservation officers as may be required to efficiently enforce the provisions of this Act. It shall be the duty of the Conservation Officers, or such other person or persons appointed by the Director, Sheriffs or their deputies, Constables or their deputies, and all peace officers within the State to enforce the provisions of this Act. They may arrest on sight without a warrant, any person detected by them or any of them in the act of violating any of the provisions of this Act. They shall have the same right as Sheriffs to require aid in arresting without process or with process any person or persons found by them in the act of violating the provisions of this Act, or they, or any of them shall have the authority to seize without process anything declared by this Act to be contraband and no liability shall be incurred by any person so charged and directed.

§ 10. *Disposition of Monies.* All monies derived from the sale of licenses under this Act or from any source connected with the administration of this Act by whomever received, except as is herein provided concerning County Clerk's fees and the distribution of fines and forfeitures imposed under this Act, shall be promptly paid over to the State Treasurer, who shall deposit such monies in a special fund known as the "Game and Fish Fund", which is hereby

reserved, set-aside, appropriated and made available until expended in carrying out the purposes of this Act or any law or regulation for the protection of wild animals, birds or fish and shall be used for no other purpose. All warrants shall be drawn on said funds in the manner provided by the Constitution or by statute.

All funds, monies and property properly belonging to the Game and Fish fund under the heretofore existing law on the effective date of this Act are hereby reserved to the said fund above mentioned.

§ 11. *Financial Policies.* Funds in the Game and Fish fund shall be withdrawn by the Director for such purposes as the Commissioner of Conservation may direct in the manner now provided by law.

§ 12. *Duties of Magistrates and Clerks of Courts.* It shall be the duty of each magistrate or clerk of the Court before whom any prosecution under this Act or any law or regulation for the protection of wild animals, birds or fish may be commenced or shall go on appeal and within twenty days after a decision has been rendered therein to report in writing to the Director, the result of the prosecution, the amount of fine collected or penalty imposed, if any, therein. All monies collected as fines or penalties for the violations of the provisions of this Act or any law or regulation for the protection of wild animals, birds or fish, which according to law goes to the Game and Fish fund shall be within thirty days paid over to the Division by the Court, Magistrate, or other officer collecting or receiving same, and shall be within thirty days paid over to the State Treasurer by the Division, and credited to the Game and Fish fund.

§ 13. *Hunting, Trapping, Fishing or Purchasing Pelts without License Prohibited; Exceptions; Penalty.* No person sixteen years of age or older shall take wild animals, or trap for taking the same, or use a gun, or take fish by angling or buy the pelts of wild animals for commercial purposes, with-

out first having secured a license therefor as herein provided. And no person under sixteen years of age shall take wild animals except by trapping or buy the pelts of wild animals for commercial purposes or take wild birds without having first procured a license therefor as herein provided.

Provided, however, that land owners, their resident children and lessee's on such lands may without a license take fish by angling from the waters therein and wild animals and wild birds therefrom subject to the further provisions of this Act. Any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifteen dollars nor more than one hundred dollars for each offense.

§ 14. *Buying, Selling or Transporting Protected Game and Fish Prohibited; Exceptions; Penalty.* No person shall sell or buy at any time, in this State any species of wild animal, wild bird or fish which are protected by this Act subject, however, to the following exceptions: The pelts of fur bearing animals, rabbits and fish, "except black bass and crappie", legally in possession may be sold or bought. Any violation of this Section shall be a misdemeanor and the person convicted thereof before a Court of Competent jurisdiction shall be fined not less than twenty five dollars nor more than two hundred dollars for each offense.

No person for himself or as agent or employee, shall transport any wild birds, wild animals or fish, protected by this Act, except a person may transport with him as part of his personal baggage wild birds, wild animals, or fish legally in possession, and except the furs and skins of fur bearing animals may be transported at any time without being accompanied by the owner thereof. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent juris-

diction shall be fined not less than fifteen dollars (\$15.00) nor more than one hundred dollars (\$100.00) for each offense.

§ 15. *Licenses and Badges; Application for.* The Commission and Director are hereby authorized to adopt the design of the licenses required by this Act, and to make all regulations for the issuance of same. Said design, however, must contain a badge or button to be worn on the licensee's outside clothing and provided further that the license shall only be issued pursuant to a written application subscribed and sworn to by the applicant and giving the following information: sufficient general description of the applicant to identify him, his name, place of residence, house number or name of his nearest neighbor.

§ 16. *Licenses and License Fees; Date of Non-Resident Licenses; Badge Worn.* The fees required for licenses provided for by this Act shall be as follows:

As to residents of Kentucky:

Hunting license	\$1.00
Fishing license	1.00
Trapping license	1.00
Seining license and one tag for 100 feet of seine or part thereof	5.25
Additional tags per 100 feet of seine or part thereof	2.00
Hoop net license	1.25
Each additional hoop net	1.00
Fur buyers or dealers	2.00

As to non-residents of Kentucky:

Hunting license (season)	\$10.50
Fishing license (season)	2.50
Fishing license (for seven consecutive days)	1.00
Trapping license	10.50
Seining license	10.50
Tags per 100 feet of seine or part thereof	4.00

Hoop net license	2.50
Each additional hoop net	2.00
Fur buyers or dealers	75.00

In each of the non-resident, seven consecutive day licenses issued, the County Clerk shall state the day such licenses begin.

And provided further that no person shall take or trap for any wild animals or fish or take wild birds without having the license provided therefor in his possession and the button or badge provided therewith attached to the outside of his clothing in a conspicuous manner and upon the failure to do so he shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifteen dollars, nor more than one hundred dollars for each offense.

§ 17. *County Clerk's Fees; Disposition of Fees; Issuance of License.* The County Court Clerk shall retain of money received for each resident hunting license, each resident fishing and each resident trapping license, for each non-resident seven day fishing license for each additional tag for each additional 100 feet of seine or part thereof, and for each additional hoop net license the sum of fifteen (.15c) cents; for each seining license and one tag for 100 feet of sein or part thereof, for each hoop net license, and for each non-resident season fishing license the sum of twenty-five cents (.25c); for each non-resident hunting license, for each non-resident seining license and one tag for 100 feet of seine or part thereof, the sum of fifty cents (.50c). The fees above provided shall cover the swearing of the applicant to the affidavit referred to in this Act, and all other services under this Act. Said County Clerk shall pay the balance remaining after deducting his fees, to the State Treasurer, on the first of each month, which amount shall be converted into the Games and Fish fund, and the said County Clerk shall report to the said Director on the first day of each month the number and kind

of licenses and tags issued and the amount of money remitted to the State Treasurer.

The County Court Clerk shall issue all licenses and tags provided for in this Act except as is otherwise herein provided to all applicants complying with the provisions of this Act and only on written application subscribed and sworn to before the said Clerk upon forms provided therefor by the Division and the said Clerk shall sign said licenses and shall require the persons to whom the licenses and tags are issued to sign his or name on the margin thereof. Said Clerk shall keep a correct and complete copy of all licenses issued in a book to be furnished by the Division, which record shall remain in his office and be open to the inspection of the public during all office hours.

§ 18. *Licenses and Forms Furnished to County Clerk by Director.* The Director shall deliver to each County Clerk in the State ten days before the first of January in each year, as many licenses, tags and forms as may be required, and charge said Clerk for the number issued to him. On the fifteenth day of January of each year, and within ten days thereafter, each County Clerk shall return to the Division all unused licenses, stubs of licenses used and unused tags, which he has received for the proceeding year. The licenses and tags herein authorized shall specify the calendar year for which it is issued and shall expire on the thirty-first day of December of said calendar year, except as herein before provided.

§ 19. *Printing of Licenses, Tags, Etc.; Payment for.* The blank licenses, metal tags and other printed matter necessary to carry out the provisions of this Act, shall be printed under the directions of the Director subject to the approval of the Director of Purchases and Public properties, and shall be paid for in a like manner and upon the same terms as other public printing. This expense shall be charged to the Game and Fish fund.

§ 20. *Monthly Statement.* The Director shall make out

a monthly itemized account of the expenses of the Game and Fish Division, including the monies due himself, Conservation Officers, office assistants and all persons employed or appointed under this Act and submit the same to the Department of Finance to authorize the Auditor of Public Accounts to draw his warrant on the State Treasurer for the amount to be paid out of the Game and Fish fund.

§ 21. *Seizure and Sale of Contraband.* The Director, all Conservation officers, and all other persons so appointed by said Director, Sheriffs and their deputies, Constables and their deputies and peace officers, shall seize and take possession of any and all birds, game fish or animals, or any part thereof, which have been caught, taken, killed or had in possession, or under control or shipped, contrary to any of the provisions of this Act or any other law of this State relating to fish or game. Any Court having jurisdiction may, upon complaint showing probable cause for believing that any bird, fish, game or animal, or any part thereof, caught, taken, or had in possession, or under control by any person, or shipped, or transported contrary to any of the provisions of this Act or of any law of this State relating to fish or game, is concealed or illegally kept in any building, car or receptacle, issue a search warrant and cause a search to be made in any such place for any such bird, fish, game or animal, or any part thereof, and may cause any building, enclosure or car to be entered and any apartment, chest, box, locker, crate, basket, package or any other receptacle whatever to be broken, open and the contents thereof examined. All such officers taking or seizing any such birds, animals, game or fish, or any part thereof shall at once report all the facts attending the same to the Director.

The Director is hereby authorized to sell to residents of this State, at the highest market price obtainable therefor, with the approval of the Governor and the Director of Purchases and Public Properties, all furs, fish, game, game animals, birds, guns, dogs devices and boats which shall come to

their possession as contraband under the order of any Court or Magistrate, or which has been seized under this Act, and declared to be contraband by this Act or any other law of this State relating to fish or game. One half of the net proceeds of sale shall be paid to the officer or other persons appointed by said Director, Sheriff or his deputy, Constable or his deputy, or peace officer, who seized said article of contraband, and the other half of such proceeds thereof shall be turned into the State Treasury and credited to the Game and Fish fund. A record of such sale, including the name of the purchaser and the price paid, shall be kept by the Director.

§ 22. *Duties of County Attorneys, Commonwealth's Attorneys and Peace Officers; Employment of Attorneys by Director.* The County Attorneys, the Commonwealth's Attorneys, the Sheriffs and their deputies, the Constables and their deputies, and all other peace officers, are hereby required and it is made their duty to enforce the provisions of this Act, and the Director of Game and Fish may employ an Attorney or Attorneys to perform such legal services as said Director may require. Said Attorney or Attorneys shall appear for said Division in all civil actions in which it or any of its officers or employees or appointees or wardens may be interested officially and may assist the County Attorneys or Commonwealth's Attorneys in the prosecution of criminal actions arising under this Act, and when for any reason the County Attorneys or the Commonwealth's Attorneys do not prosecute such criminal actions, such Attorneys employed by said Director shall conduct such prosecution on the part of the State with the same authority as the County Attorneys or the Commonwealth's Attorneys now have. The compensation to be paid said Attorney shall be fixed by the Director and paid out of the Game and Fish fund provided for the enforcement of this Act.

§ 23. *Power and Authority of Director and Employees; Aid of Sheriffs and Other Peace Officers.* The Director of said Division, all members thereof and officers and persons

appointed by the said Director shall have full power and authority to serve and execute all warrants and processes of law issued by the Court, enforcing the provisions of this Act, or of any other law of this State relating to the preservation, protection or propagation of game or fish anywhere in the State of Kentucky in the same manner as any constable or sheriff may execute the same and for the purpose of enforcing the provisions of this Act they may call to their aid any Sheriff, deputy Sheriff, Constable, deputy Constable, peace officer or any other person, and it shall be the duty of all Sheriffs, deputy Sheriffs, Constables, deputy Constables, peace officers and other persons when called upon to enforce and aid in the enforcing of the provisions of this Act.

§ 24. *Bonds of Conservation Officers.* Before entering upon the discharge of their official duties, each Conservation Officer shall give bond in the sum of five hundred (\$500.00) dollars, payable to the State of Kentucky, with two or more sureties to be approved by the Director, and filed in the office of the Secretary of State, (condition) that he will truly account for and legally apply all money and property which may come into his hands in his official capacity, and that he will faithfully perform all of the duties enjoined upon him by law.

§ 25. *Disposition of Fines.* Any fine imposed by a Court of competent jurisdiction for a violation of this Act shall be divided and disposed of as follows: Forty per cent thereof to the County Attorney or Commonwealth's Attorney who is present and prosecutes the case and the remaining sixty per cent, or all thereof, provided no County Attorney or Commonwealth's Attorney actually prosecutes, to the Director to be paid by him to the State Treasurer and deposited in the Game and Fish fund.

Each and every judgment entered in any Court, upon the trial of any violation of the provisions of this Act, shall recite whether or not the County Attorney and/or the Commonwealth's Attorney was present and actively prosecuted said action on behalf of the Commonwealth and unless there is

such an entry on the judgment book of the Court showing the presence and participation of such officer or officers in the trial neither of said officers shall be entitled to any part of any fine.

§ 26. *Costs.* There shall be taxed as costs in each case, where there is a conviction, under this Act, a fee of five (\$5.00) dollars to be paid to the arresting officer.

§ 27. *Contraband.* Any wild bird, wild animal or fish taken or possessed contrary to the provisions of this Act and any device used or possessed contrary to the provisions of this Act and hereby declared to be contraband and the arresting officer shall take possession of same and account therefor to the Director.

§ 28. *Permits; Fee for.* The Director is hereby authorized to issue to any qualified person a permit to take wild animals, birds, or fish at any time within this State and to transport same for scientific or educational purposes. And a fee of \$1.00 shall be charged therefor to cover administration costs. These permits are to be valid for one year; said period to be shown thereon.

§ 29. *Making Waters Unfit for Support of Marine Life; Penalty.* It shall be unlawful for any person for himself or as agent or employee whether acting in a private or public capacity to place or suffer to be placed in any public waters within this State any substance which causes said waters to be unfit for the support of marine life. Any person violating the provisions of this Act shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifty dollars nor more than five hundred or be subject to imprisonment for not less than ten days nor more than sixty days or both fine and imprisonment.

§ 30. *Contract for Game Refuge Authorized.* The Director with the advice and consent of the Commissioner of Conservation and subject to the approval of the Commissioner of Finance is hereby authorized to enter into a contract or

contracts with any land owner or land owners of the State of Kentucky for a specified term of years by which contract or contracts the land subject thereto shall be set aside and maintained as a Game Refuge. The Contracts provided for herein shall be and are hereby made recordable instruments in the records of the Clerk of the several County Courts.

TITLE III.

PROPAGATION FARMS

§ 31. *Application and Regulations.* The Director may issue permits to propagate fish, game and fur-bearing animals, and he shall make and publish regulations governing such industry. The application for such a breeder's permit shall be in writing addressed to the Director, shall be signed by the applicant and shall describe the land or waters owned or leased by such breeder to be used for such purpose and shall contain such other facts as may be required by the Director. When it appears that the application is made in good faith, the Director may issue such a permit which shall continue in force for one year, upon the payment of fee of two dollars and fees for tagging which shall be fixed by the Director, which fees shall be paid by him into the State Treasury and credited to the Game and Fish fund.

§ 32. *Same; Rights of Breeder.* A breeder may sell and transport fish, game and fur-bearing animals, at all times, alive for propagation, and for food during such season as the Director may prescribe. Such fish, game and fur-bearing animals shall be identified either by marking the packages or by individual tagging as the Director may prescribe.

§ 33. *Same; Penalty.* A breeder selling game procured from other than such lands, or who violates a provision of this title or a regulation issued under the provisions of the two preceding sections, shall forfeit his license and be fined not more than one hundred dollars, and in addition thereto, shall be punished as provided for such particular violation.

§ 34. *Poaching; Propagation Farms; Injury; Penalty.*

A person who, without permission, enters upon the premises of a propagation farm and takes fish, birds or quadrupeds, or upon a pond and takes fish, or fouls the waters of such farm or pond with a substance injurious to the life or growth of fish or breaks or destroys a dam, reservoir or embankment, or diverts the water, or willfully damages such farm or pond, shall be imprisoned not more than six months or fined not more than one hundred dollars nor less than twenty dollars, and shall also be liable to the owner of such premises for damages in any action of tort, on this statute.

§ 35. *Wildlife Restoration in Cooperation With the Federal Government.* The State of Kentucky, hereby assents to the provisions of the Act of Congress entitled "An act to provide that the United States shall aid the States in wildlife resoration projects, and for other purposes", approved Sept. 2, 1937 (Public, No. 415, 75th., Congress), and the Conservation Department is hereby authorized empowered, and directed to perform such acts as may be necessary to the conduct and establishment of cooperative wildlife resoration projects, as defined in said act of congress, in compliance with said act and with rules and regulations promulgated by the Secretary of Agriculture thereunder; and no funds accruing to the State of Kentucky from license fees paid by hunters shall be diverted for any other purpose than the administration of the Division of Game and Fish of said Department.

§ 36. *Consent to Acquisition By the United States of Migratory Bird Reservations.* Consent of the State of Kentucky is given to the acquisition by the United States by purchase, gift, devise, or lease of such areas of land or water, or of land and water, in Kentucky, as the United States may deem necessary for the establishment of migratory-bird reservations in accordance with the Act of Congress approved February 18, 1929, entitled "An act to more effectively meet the obligations of the United States under the Migratory Bird Treaty with Great Britain by lessening the dangers threaten-

ing migratory birds from drainage and other causes by the acquisition of areas of land and of water to furnish in perpetuity reservations for the adequate protection of such birds, and authorizing appropriations for the establishment of such areas, their maintenance and improvement and for other purposes'', reserving, however to the State of Kentucky, full and complete jurisdiction and authority in, and over all such areas not incompatible with the administration, maintenance, protection, and control thereof by the United State under the terms of said Acts of Congress. This Act shall not be so construed as to deprive the Courts of Kentucky of the right to try and punish those who violate any of the criminal and/or penal statutes of Kentucky in, or over any such areas.

§ 37. *Contracts.* The Division with the approval of the Commissioner of Finance and with the consent of the Governor, may enter into any contract of agreement with the United States Government or any department or bureau thereof, or with any person or persons in regard to the preservation, protection or propagation of fish, game, birds or animals, it may deem to the advantage of the States to enter into.

TITLE IV.

FISH

§ 38. *Taking Fish Contrary to Law; Penalties.* Any person who takes fish from any of the public waters of this State except by angling and except as is otherwise provided herein shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars nor more than one hundred (\$100.00) dollars for each offense.

Any person who shall wilfully and knowingly kill or injure, shock or stun, or attempt to kill or injure, shock or stun any fish by any explosive agent or similar substance, shall be guilty of a felony and upon conviction thereof before any Court of competent jurisdiction shall be confined in the State penitentiary for one year for each offense.

§ 39. *Substances Poisonous to Marine Life; Penalty.* Any person who shall wilfully and knowingly place, or attempt to place, in any of the public waters of this State any poison, or any substance which has a poisonous effect on marine life, for the purpose of taking fish shall be guilty of a felony; and upon conviction thereof before any Court of competent jurisdiction shall be confined in the State penitentiary for one year for each offense.

§ 40. *Provisions in Regard to Seines and Nets; Exceptions.* It shall be lawful for any person to take by the use of seines and hoop nets without wings, the mesh thereof to be not less than two inches square, any fish from the streams forming the boundry of any part of the boundry between this State and any other State or States, and from the navigable streams of this State. Provided further that no person shall take or attempt to take any fish by seines or nets or place any seines or nets in any of these streams within two hundred yards of the mouth of any stream entering into such waters nor within two hundred yards of the mouth of any navigable stream within the State nor within two hundred yards of any lock or dam located on such stream or streams nor above the last lock or dam in any navigable stream. It shall also be unlawful for anyone to operate or have in possession any seines or nets pursuant to the provisions of this Act unless such person or persons shall have procured a license so to do and a metal tag for the use or possession of each net or seine and complied with the provisions hereinafter set out. Provided further that any large or small mouth black bass and crappie if caught in seines or nets shall immediately be returned without injury to the water from which taken. Provided further that no fish shall be caught or taken under the provisions of this Act during the month of May each year; and provided further that nothing in this Act shall be construed to prevent dealers or manufacturers from having seines or nets in possession for the purpose of sale.

§ 41. *Seining for Minnows.* It shall be lawful for any

person to take with seine from the public waters of this State minnows to be used for bait for angling. Said seine shall not be more than ten feet in length, four feet in width or height, with mesh not larger than one quarter inch. Provided, however, any fish caught which are excluded from the definition of minnows herein, such fish shall be without injury, immediately returned to the water from which they are taken. Any person violating this Section shall be guilty of a misdemeanor and upon conviction thereof before any Court of competent jurisdiction shall be fined not less than fifteen dollars and not more than one hundred dollars for each offense.

§ 42. *Unlawful to Take Fish in May.* It shall be unlawful to take fish or attempt to take fish in any manner or by any means in any of the public waters of this State during the month of May each year, except that this shall not prohibit fishing with pole and line in any running waters of this state that are not so blocked by dams as to render them non-navigable.

§ 43. *Limitations on Number of Fish to be Taken.* No person shall take or have in his possession more than ten black bass nor more than ten trout nor more than fifteen rock bass or goggle-eye nor more than fifteen crappie in any one day nor take nor have in his possession any black bass under eleven inches in length nor any trout under seven inches in length nor any crappie under eight inches in length; provided, however, that any person having fished two days in succession may have in possession a total not to exceed twenty black bass or trout, thirty rock bass or goggle-eye or thirty crappie.

TITLE V.

MUSSELL FISHING

§ 44. *Mussel Fishing; License for.* It shall be unlawful to take, catch, kill mussels for commercial purposes without a license issued by the Director.

§ 45. *Issue of License.* The Director may, upon appli-

cation, issue a license to take or kill mussels. Upon making application for said license, the residents of this State shall pay to the Game and Fish Division a fee of six dollars and non-residents shall pay to the Game and Fish Division a fee of fifty dollars (\$50.00). All licenses shall expire on the 31st day of December following their issue.

The licenses shall be consecutively numbered as issued and records shall be kept thereof in the office of the Fish and Game Division. Such licenses shall state whether it is a resident or non-resident license, and it shall entitle the holder thereof to operate one boat only. An operator desiring to operate more than one boat shall be required to secure a separate license for each boat. The holder of a license while taking, catching or killing mussels for commercial purposes shall have his license with him ready for exhibition, and shall exhibit same when required to do so by an authorized officer.

§ 46. *Restriction upon Operation.* The license provided for herein shall entitle the holder thereof to operate on any shell bed; provided (that) not more than four boats may operate to the mile of shell bed.

§ 47. *Report of Operations; Penalty for Failure.* On or before the 31st day of December of the year in which any license is issued, the holder thereof shall make a written report to the Game and Fish Division for the purpose of stating the total weight of mussels taken, caught or killed under such license, the names and location of the waters from which such mussels were taken and the amount received for shells sold. Upon the failure to make such report the Game and Fish Division shall not issue another license until such report shall be made.

§ 48. *Use of License Fees.* All funds received under the provisions of this Act shall be used by the Game and Fish Division for the purpose of enforcing the provisions of the Act and for the protection and propagation of the mussel beds, and any surplus remaining in the fund at the close of each cal-

endar year shall be turned into the general fund of the said Division.

§ 49. *Penalty for Violation; Regulations to Govern Operations.* Any person, firm or corporation violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of (\$25.00) twenty-five dollars or by imprisonment in the County jail for not less than twenty days or maybe both fined and imprisoned at the discretion of the Court.

The Game and Fish Division shall make such rules and regulations governing the operation of boats in the taking of mussels as it may deem best for the proper enforcement of this Act. In order to prevent the depletion of the mussel beds and to insure proper propagation of the mussels the Game and Fish Division shall have authority to close any beds to operators at any time and for any period that they may deem necessary and during such closed season on any bed or beds it shall be a violation of this Act for any one to take mussels from such beds. When order is issued closing any mussel bed or beds due notice of such order shall be published in at least three consecutive issues of some newspaper published in the county where the bed or beds are located.

§ 50. *Arrests for Violations; Search and Seizure.* For the purpose of carrying into effect the provisions of this Act, the Director and Conservation officers operating under the Game and Fish Division are authorized and empowered without warrant to arrest anyone violating any of the provisions of this Act or any of the rules or regulations for its enforcement that may be made by the Game and Fish Division, to further facilitate the enforcement of this Act such officers shall have the right to inspect and examine mussels in any warehouse, boats, stores, cars, baskets or other convenient receptacle when they have good cause to believe that any of the provisions of this Act or the regulations made hereunder have been violated. This authority shall not include the right

to enter any dwelling house for purposes of investigation until a Court of competent jurisdiction, upon receiving proof of the probable cause for believing that mussels have been illegally taken, caught, killed, shall have issued a search warrant. When such officers shall find mussels in the possession of any one in violation of this Act such mussels shall be confiscated by such officers and shall be sold and in such sale the Conservation Officer shall proceed in the manner provided by the law for the sale of confiscated fish and game.

TITLE VI.

BIRDS

§ 51. *Taking Birds, Type of Gun; Penalty for Disobedience.* Any person who takes any wild bird within the boundry of this State, except with a gun, said gun not larger than a ten gauge fired from the shoulder and which if a shot gun has had the magazine thereof, if any, plugged with a solid wooden or metal plug in such a way that the gun will hold not more than three cartridges, shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred (\$100.00) dollars for each offense.

§ 52. *Hunting Birds with Light; Penalty.* Any person who hunts birds with lights or other means used to blind birds at night shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred (\$100.00) dollars for each offense.

§ 53. *Birds not Protected.* Nothing in this Act shall be construed to protect or limit in any way the taking of the Cooper's hawk, sharp-shinned Hawk, the crow, the starling or the English sparrow, or the great horned owl. However, it shall be unlawful to take other than the above and other than the game birds, for which there is an open season, any

wild bird, in the limits of this State. It also shall be unlawful to take the nests or eggs of any wild birds within the limits of this State except as otherwise provided herein; and any violation of this Section shall be a misdemeanor and any person convicted thereof before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred dollars for each offense.

§ 54. *Open Seasons; Penalty for Possessing Birds at Other Times.* Any person who takes or has in his possession in this State any wild birds except during the open season for a particular species, to be as follows:

Quail or Bob White—Nov. 24, to Jan. 9th.

Mourning Doves—Sept. 1st. to Oct. 31st.

Woodcock—Nov. 25th. to Dec. 15th.

Snipe—No Open Season.

Roughed Grouse—No Open Season.

Wild Turkey—No Open Season.

Ring Necked Pheasant—No Open Season.

Hungarian Partridge—No Open Season.

Wild birds subject to the provisions of the "Migratory Bird Treaty Act" other than those specifically provided for herein.

The season shall be the same as is provided by regulations of the Secretary of Agriculture under the "Migratory Bird Treaty Act." Except that wild birds legally taken may be possessed for ten days immediately succeeding such open season.

Shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen dollars (\$15.00) and not more than one hundred (\$100.00) dollars for each offense.

§ 55. *Bag Limits; Penalty.* No person shall take in any one day more wild birds for which there is an open season provided for any Particular species than the bag limit for the species as set out herein:

Quail, 12; Mourning Doves, 15; Woodcock 4. Ducks, 10;

In aggregate of all species. Geese, 5; In aggregate of all species.

And further provided that no person shall have in his possession during the open season not more than two days bag limit of any particular species and any one violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction thereof before a Court of competent jurisdiction shall be fined not less than fifteen dollars (\$15.00) and not more than one hundred (\$100.00) dollars for each offense.

TITLE VII.

WILD ANIMALS

§ 56. *Penalty for Taking Wild Animals Except by Trapping, Gun, Gun and Dog or Dog.* Any person who takes wild animals protected by this Act within the boundary of this State, except by trapping, gun, gun and dog, or dog, shall be guilty of a misdemeanor and upon conviction therefor before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred (\$100.00) dollars for each offense.

§ 57. *Open Season; Penalty for Taking or Possession at Other Times.* Any person who takes or has in his possession in this State any wild animal protected by this Act, except during the open season for the particular species provided herein shall be guilty of a misdemeanor and upon conviction therefor before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than (\$100.00) dollars for each offense. Said open seasons are as follows:

Mink, Opossum, Raccoon, Red Fox, Skunk and Muskrat,
Nov. 1st to Dec. 31st.

Otter and Beaver, No Open Season.

Squirrel, July 1st, to October 1st.

Rabbits, Nov. 24th, to Jan. 9th.

§ 58. *Hunting Raccoon and Red Fox for Sport and not*

to Kill. Any person who hunts Raccoon and Red Fox with dogs, at night, for sport and not to kill is specifically excepted from the provisions of Section 57 of this Act, (except that this provision shall not apply to licensed fur dealers and trappers or hunters who may have in their possession at any time pelts of animals protected by this Act which were caught in open season).

§ 59. *Limitation on Number Taken in One Day and Number in Possession; Penalty.* No person shall in any one day take more wild animals protected by this Act of any particular species than the bag limit therefor as herein provided.

Squirrels, 6.

Rabbits, 8.

And provided further that no person shall have in his possession more than two days bag limit of any particular species for which there is such a bag limit established herein. And any person violating the provisions of this Section shall be guilty of a misdemeanor and upon conviction therefor before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred dollars for each offense.

§ 60. *Hunting Rabbits with Lights; Penalty.* Any person who hunts rabbits with lights or other means used to blind rabbits at night shall be guilty of a misdemeanor and upon conviction thereof before a court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred (\$100.00) dollars for each offense.

§ 61. *Hunting Elk, Deer, Wild Turkey or Bear Prohibited; Penalty.* No person shall, in this State of Kentucky, hunt, pursue, chase, catch, kill, injure or molest any elk, deer, wild turkey, or bear. Any person violating this Section, shall be fined not less than one hundred (\$100.00) dollars or more than three hundred (\$300.00) dollars for each offense.

§ 62. *Setting Traps on Land of Another; Provisions Concerning; Penalty.* No person shall within the bounds of this State set any trap on the land of another without having

first procured the owners or lessee's written permission to do so without at the time of setting said trap or attempting the same he has in his possession said written consent and exhibits it to any one lawfully demanding to examine the same. And provided further that any trap set on land of another shall be marked with a metal tag giving the owners name and place of residence. And provided further that any traps set on the lands of another must be visited at least once every thirty-six hours and any animal or bird caught therein removed therefrom. And provided further that any trap set on the land of another shall be set or placed eighteen or more inches within the entrance of a den-hole, tree-den or hollow log so as to be inaccessible to domestic animals, dogs or fowls and any person violating this Section shall be guilty of a misdemeanor and upon conviction therefor before a Court of competent jurisdiction shall be fined not less than fifteen (\$15.00) dollars and not more than one hundred (\$100.00) dollars for each offense.

TITLE VIII.

FUR BUYER'S LICENSES

§ 63. *License.* The furs and skins of fur-bearing animals legally taken, may be bought and sold at any time. When a person wishes to engage in the business of buying such furs and skins he shall first secure a license from the Director, as hereinafter provided.

§ 64. *Same; Fees; Resident; Non-Resident.* The Director annually may issue licenses to residents of this State to engage in the business of buying furs and skins. Each person so licensed shall pay to the Director a fee of two dollars. Each non-resident dealer shall pay to the Director a fee of seventy five dollars; provided, however, that no license shall be issued to a resident of a State or County which does not grant the equal privileges to citizens of this State.

§ 65. *Exceptions.* A person, resident or non-resident, without license may purchase furs or skins of any regular

licensed dealer, and nothing in this chapter shall prohibit individuals from shipping their own furs and skins to dealers outside the State.

§ 66. *Time.* Such license shall be effective from date of issue and shall be in full force until December 31st, of the same year.

§ 67. *Minors.* The provisions as to a fur buyer's license shall not apply to a minor under the age of sixteen years.

§ 68. *Penalty.* A person who buys furs and skins without a license shall be fined not more than one hundred dollars not less than twenty five dollars for each offense.

§ 69. *General Provisions Regarding Fines.* Any person having been found guilty of violating any Section or any part of any Section of this Act, and fined therefor shall on failure to pay such fine and Court costs, be confined in the county jail or workhouse, or placed at labor on any of the public works of the County in which he is convicted and fined, for a length of time not exceeding one day for every dollar of said fine and Court costs.

Any person violating any provisions of this Act, shall upon conviction thereof, be fined not less than fifteen (\$15.00) dollars nor more than one hundred (\$100.00) dollars, unless, a different fine or penalty is otherwise provided.

§ 70. *Possession Prima Facie Evidence of Guilt.* The having in possession of any of the wild animals or fur bearers contrary to the provisions of this Act, shall be prima facie evidence of guilt under this Act; provided further that nothing in this Section shall be construed to prohibit the having in possession of any raccoon, opossum, skunk, muskrat, or mink, or fur thereof, taken or killed in the open season for same between January 1st., and the 15th., day of February, both dates inclusive.

§ 71. *Separate Offenses.* Each bird, fish or animal taken, possessed, bought or sold or transported or each device

used or possessed contrary to the provisions of this Act shall constitute a separate offense.

§ 72. *Duty of Judges in Circuit Courts.* Is shall be the duty of the Judge in all Circuit Courts of the respective Counties of the State to give this Act, specially in charge in each Grand Jury in said Court, and it shall also be the duty of all Judges holding Courts of inquiry to give this and all other Acts for the protection of Game and Fish, especially in charge to each Jury of Circuit Courts.

§ 73. *Saving and Repealing Clause.* It is hereby provided that all provisions of this Act relating to licenses shall not be effective until January 1, 1939. It is further provided that no provision of this Act shall have the effect of repealing, any provision of the Governmental Reorganization Act of 1936. Sections 1893b-1 to 1905-7 inclusive, Sections 1938a-1 to 1954-21 inclusive, Sections 1954c-1 to 954c-69 inclusive, Carroll's Kentucky Statutes, Baldwins 1936 revision, be, and the same are hereby repealed.

Senator Sugg offered the following amendment to said bill, viz:

Amendment No. 1. Amend H. B. No. 379, Section 42, page 19, lines 4, 5 and 6 by striking therefrom all words after the word "any" in line 4 of said section and inserting in lieu thereof the following language:

"navigable streams but not above the last lock and dam."

Said amendment was agreed to.

Senator Ray B. Moss moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the negative were—

Wm. R. Attkisson	Wm. H. Jones, Jr.	Paul L. Sidebottom
Paul M. Basham	Leo King	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	Jos. P. Tackett
Dr. D. H. Bush	Stanley B. Mayer	J. E. Trager
Waller A. Crockett	Strother Melton	Thomas O. Turner
W. C. Farmer	E. C. Moore	Otis White
Lee Gibson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Dr. R. C. Moss	B. M. Williams
John M. Hall	Ray B. Moss	J. E. Wise
J. Joseph Hettinger	James C. Rogers	
H. Watt Hillman	Ira W. See	

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Resolved that the title thereof be as aforesaid.

Senator Sugg moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 160. An Act to amend and re-enact Section 4 and Section 7 of Chapter 111 of the Acts of the General Assembly

at its session, approved February 27, 1936, defining certain of the powers and duties of the Statute Committee.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That section four (4) of chapter one hundred and eleven (111) of the Acts of the General Assembly at its 1936 session, approved February 27, 1936, being Section 2438a-8 of Carroll's Kentucky Statutes, as revised in 1936, be amended and re-enacted by omitting therefrom the word "law" and substituting therefor the word "plan" so that said section, when amended and re-enacted, shall read as follows: "The committee, in its discretion, shall formulate, prepare, and execute, or cause to be formulated, prepared and executed, a definite plan for the revision, classification, arrangement, annotation, indexing, printing, binding, publication, copy-righting, and distribution of said Statutes."

§ 2. That section seven (7) of chapter one hundred and eleven (111) of the Acts of the General Assembly at its 1936 session, approved February 27, 1936, being Section 2438a-11 of Carroll's Kentucky Statutes, as revised in 1936, be amended and re-enacted by omitting therefrom the following words, to-wit: "language or" so that said section, when amended and re-enacted, shall read as follows: "The committee shall not alter the sense of any Act of the General Assembly. Said committee shall report to the Board of Commissioners of the Kentucky State Bar, as and when required to do so."

§ 3. By reason of the delay which has been caused in the revision, codification and publication of the Statutes of the Commonwealth owing to the necessity for these amendments to said sections, an emergency is declared to exist; and this act shall become effective immediately upon its passage and approval by the Governor.

Senator McDonald offered the following amendment to said bill, viz:

Amend H. B. No. 160 on page 2, section 2, line 9 by adding after the word "so" the following:

"and at as early a day as practicable, shall report the result of their labors to the General Assembly for its adoption or modification."

Said amendment was agreed to.

Senator McDonald moved the Previous Question.

Whereupon the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	James C. Rogers
Paul M. Basham	Wm. H. Jones, Jr.	John A. Sugg, Jr.
H. Stanley Blake	Leo King	J. E. Trager
Ollie J. Bowen	J. W. McDonald	Thomas O. Turner
Dr. D. H. Bush	Stanley B. Mayer	Otis White
Waller A. Crockett	Strother Melton	O. C. Whitfield
Lee Gibson	E. C. Moore	B. M. Williams
Ralph Gilbert	J. Lee Moore	J. E. Wise
John M. Hall	Dr. R. C. Moss	
J. Joseph Hettinger	Ray B. Moss	

Resolved that the title thereof be as aforesaid.

Senator McDonald moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 55. An Act to repeal, amend and reenact sections 112-1 to 117a inclusive, Carroll's Kentucky Statutes, 1936 revision, said sections being Chapter 32 of the Acts of 1908, Chapter 113 of the Acts of 1928, Chapter 21 of the Acts of 1912, Chapter 23 of the Acts of 1924, and Chapter 100 of the Acts of 1892, relating to the office of Attorney General of the Commonwealth of Kentucky and his assistants, and defining the duties of said Attorney General and his assistants, providing for the salary of said Attorney General and his assistants and providing for the clerical, stenographic and other help employed in the office of the Attorney General, and providing for a limit upon the annual expenditures for such stenographic, clerical and other help so employed by the office of the Attorney General, and providing for the purchase by the Attorney General, with the approval of the Department of Finance, of such books and other office equipment and supplies as may be deemed necessary by the Attorney General for use in the office of Attorney General.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That sections 112-a to 117a inclusive, Carroll's Kentucky Statutes, 1936 revision, be and the same are hereby repealed,

amended and re-enacted so that when siad sections are amended and reenacted they shall read as follows:

§ 1. That the Attorney General elected in the year 1939 and to take office on the first Monday in January, 1940, shall receive an annual salary of five thousand (\$5,000.00) dollars to be allowed and paid in the same manner as is now provided by law for the payment of other state officers.

§ 2. The Attorney General shall be the chief law officer of the Commonwealth and all its departments. The Attorney General shall appear for the Commonwealth in the trial and argument of all cases, criminal and civil, in the Kentucky Court of Appeals whenever the Commonwealth is directly or indirectly interested; he shall also appear in behalf of the Commonwealth in any Court or tribunal in or out of the State in any case or proceeding in which the Commonwealth is a party or interested except where it is made the duty of the Commonwealth's Attorney or County Attorney to represent the Commonwealth, provided, however, that the Attorney General or any of his assistants when so directed by him, may take charge of the prosecution of any case pending in any Court in the Commonwealth of Kentukey when the said Attorney General deems it necessary to do so in order to protect the interest of the Commonwealth or when he deems that public interest may be best protected thereby, and further provided that he may, when he deems it necessary, assist in any case pending in any Court which may affect, directly or indirectly, the enforcement of the laws in regard to county government. The Attorney General shall institute all actions and proceedings necessary to cause the payment of all judgments and demands of the Commonwealth payable at the State Treasury not discharged in proper time; he shall, with the assistance of the Auditor of Public Accounts, investigate the condition of all unsatisfied claims, demands, accounts and judgments in favor of the Commonwealth and shall take all necessary steps by motion, action or otherwise to collect or cause to be collected such claims, demands, accounts, judg-

ments and cause same to be paid into the Treasury. He shall, upon written request of any executive or ministerial officer of the Commonwealth, give such officer his written opinion touching any of the duties of such officer, and when requested by any executive or state officer, prepare such draft of all instruments of writing as may be required for public use, and perform all other duties now assigned, or which may be assigned, to him by law.

§ 3. The Attorney General shall have the power to appoint for his department the assistants and employees hereinafter enumerated who shall serve for the term for which he is elected unless sooner removed by him, and to appoint such other assistants as are now or may be hereafter provided by law. They shall perform such duties now provided by law and as may be assigned to them by the Attorney General as legal advisers for the several offices, departements and instrumentalities of the Commonwealth, or in furtherance of the discharge of his duties.

(a) The Attorney General shall appoint a first Assistant Attorney General who shall possess all of the qualifications required by law of the Attorney General and said first Assistant Attorney General shall, in case of absence or sickness, of the Attorney General perform all of the duties now or which may be imposed by law upon the Attorney General, and his salary shall be Forty-eight hundred (\$4800.00) dollars per year, payable monthly out of the State Treasury.

(b) The Attorney General shall appoint a second and third Assistant Attorney General each of whom shall be over thirty years of age and shall have been a regular practicing attorney for at least six years, and said second and third Assistant Attorneys General shall be paid the sum of forty-two hundred (\$4200.00) dollars per year each, payable monthly out of the State Treasury.

(c) The Attorney General shall appoint a fourth, fifth and sixth Assistant Attorney General, each of whom shall be over twenty-five years of age and who shall have been regular

practicing attorneys for at least four years and the said fourth, fifth and sixth Assistant Attorneys General shall each be paid a salary of thirty-six hundred (\$3600.00) dollars per year, payable monthly out of the State Treasury.

(d) The Attorney General shall further appoint two law clerks who shall be over the age of twenty-one years and each of whom shall be a regular licensed practicing attorney of the Commonwealth of Kentucky, and said law clerks shall perform such duties pertaining to the office of the Attorney General as may be assigned them by the Attorney General. The Attorney General shall fix the salary of the law clerks provided for herein and shall fix their respective salaries at a sum of not to exceed two thousand dollars (\$2,000.00) per annum, payable monthly out of the State Treasury in the same manner as provided for herein for other clerical help in the office of Attorney General.

(e) The first, second, third, fourth, fifth and sixth Assistant Attorneys General and such other Assistant Attorneys General as may be appointed under the laws now in force or which may be enacted and the law clerks mentioned herein shall, before entering upon their respective duties, give a bond to the Commonwealth of Kentucky to be approved by the Attorney General, conditioned upon the faithful discharge of their respective duties, and said bond shall be filed with and kept by the Secretary of State.

(f) The Attorney General is further authorized to employ such stenographic and other clerical help for the use and benefit of his department as in his judgment may be necessary for the proper conduct of his office provided that the salaries of such stenographic and clerical help shall not exceed the sum of fifteen thousand (\$15,000.00) dollars per annum. The Attorney General shall certify to the Auditor at the end of each month the amount due to such employees and the Auditor of Public Accounts shall draw a warrant upon the Treasurer for the amount so certified.

(g) The Attorney General and each of his assistants

and the law clerks herein mentioned shall be paid their actual and necessary expenses when called away from the State Capitol on business of the Commonwealth, but before a warrant shall be issued by the Auditor of Public Accounts therefor, there shall be filed in his office an itemized statement signed by the said assistant or law clerk and approved by the Attorney General when such account is for the assistants or law clerks, and when the account is that of the Attorney General it shall be itemized showing the amount of such expenses and signed by the Attorney General.

§ 4. The Attorney General and his assistants shall attend to all litigation and business in or out of the state required of him or them under this act, or other existing laws or laws hereinafter enacted, and also any litigation or business that any state officer may have in connection with or growing out of his official duty; and no state officer, board of trustees or the head of any department or institution of the state shall have authority to employ or to be represented by other counsel or attorney-at-law, unless an emergency arises, which, in the opinion of the Attorney General, requires the employment of other counsel, in order to properly protect the interest of the Commonwealth, in which event the Attorney General shall, in writting, setting forth the reasons for such employment, request the Governor to employ such additional counsel. Before such employment, said written requests shall be filed in the office of the Secretary of State, and shall be a public record, and a copy thereof shall be retained and kept on file in the office of the Attorney General.

Before such counsel is employed, his fee and compensation shall be agreed upon and fixed by written contract by the Governor and said counsel, subject to the approval of the Attorney General, and copies thereof shall be kept on file in the office of the Attorney General and the Secretary of State.

§ 5. The Attorney General shall keep in his office a book styled "index book or docket book" in which shall be entered the number and style of each case in which the Commonwealth

is interested and the court in which it is pending, and shall also contain a brief statement of the nature of the case and the steps taken therein; said book shall be a public record.

He shall also keep on file in his office, subject to public inspection, all opinions rendered by him alphabetically arranged. He is hereby authorized to purchase such index books and file boxes as may be required by this section, and he shall file an itemized account showing the cost of same, in the office of the Auditor of Public Accounts, who shall thereupon draw his warrant upon the Treasury for the amount of said account.

§ 6. The Attorney General shall be required to keep in his office a book showing the exact amount of monies collected by him from all sources and due the state, and what disposition has been made of said monies, and he shall biennially, or before the thirty-first day of December, beginning with the thirty-first day of December, one thousand nine hundred and forty, report to the Governor a full statement of the business done in his office and monies collected by him and the disposition made of same. He is empowered to purchase, when approved by the Commissioner of Finance, such books as are necessary to carry out the provisions of this section, and is further empowered to purchase such reports and other law books as he may deem necessary for the proper conduct of his office, and to keep the library now in his office up to date, all of which is to be paid for out of the State Treasury.

§ 7. The Attorney General may prosecute an appeal without security in any case from which an appeal lies in the Court of Appeals whenever, in his judgment, the interest of the Commonwealth demands it.

§ 8. All laws in conflict herewith are hereby expressly repealed. Provided, however, that nothing herein shall be construed to repeal any part of Chapter 21 of the Acts of the fourth extraordinary session of the 1936 General Assembly which section provides, among other things, that the Commissioner of Revenue be empowered and authorized to employ

attorneys to represent the Commonwealth of Kentucky or the Commissioner of Revenue as relator in any and all actions brought for the collection of delinquent taxes or the assessment of omitted property but said Commissioner of Revenue shall continue to exercise all powers in this connection as provided for in said Chapter 21 of the Acts of the 1936 General Assembly, extraordinary session.

Senator J. Lee Moore offered the following amendment to said bill, viz:

Amendment No. 1 to House Bill No. 55. Amend House Bill No. 55 by striking from the printed bill the following:

By striking all the wording of the last line, page 1, and all wording in line 2, 3 and 4 on page 2 of the printed bill.

Amendment No. 2. Amend House Bill No. 55 by striking all of Section 2, page 3, all of Section 3, pages 3, 4 and 5, all of Section 4, page 5, and 6, all of Section 5, page 6, all of Section 6, page 6, all of Section 7, page 7, all of Section 8, page 7.

Amendment No. 3. Amend House Bill No. 55 by adding immediately after Section 1 the following section to be designated Section 2:

“All laws in conflict herewith are hereby expressly repealed.”

Said amendments were each and severally agreed to.

Senator J. Lee Moore moved the Previous Question.

Whereupon, the President of the Senate announced, “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Ira W. See
Aubrey Barbour	H. Watt Hillman	Paul L. Sidebottom
Paul M. Basham	Leo King	John A. Sugg, Jr.
Ollie J. Bowen	J. W. McDonald	J. E. Trager
Waller A. Crockett	Stanley B. Mayer	Thomas O. Turner
Edwin C. Dawson	Strother Melton	Otis White
Lee Gibson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Dr. R. C. Moss	B. M. Williams
John M. Hall	James C. Rogers	—26

There voted in the negative—

E. C. Moore

—1

Senator J. Lee offered the following amendment to the title of said bill, viz:

Amend the title to H. B. No. 55 by striking the entire title and adding in lieu thereof the following title, viz:

“An Act relating to the office of Attorney General of the Commonwealth of Kentucky, and providing that the Attorney General elected in the year 1939 and who takes office on the first Monday in January, 1940, shall receive an annual salary of \$5,000.00.”

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

Senator J. Lee Moore moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

Senator Sugg moved that the rules be suspended and the privilege of the floor be extended to former Senator James Thompson of Paris, Kentucky.

Said motion was agreed to unanimously.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 401. An Act to repeal, amend, and re-enact Section twenty-four (24), Chapter one (1), of the Acts of the Second Extraordinary Session of the 1936 General Assembly, being entitled: "An Act relating to revenue and taxation on the sale and distribution of alcoholic beverages, and declaring an emergency," said Section now being codified as Section 4181c-24 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. (I). That Section Twenty-four (24) of Chapter One (I) of the Acts, of the Second Extraordinary Session of the 1936 General Assembly being entitled "An Act relating to revenue and taxation on the sale and distribution of alcoholic beverages and declaring an emergency," said section

now being codified as Section 4281c-24 of Carroll's Kentucky Statutes, Baldwin's Edition of 1936 reading as follows:

"All revenues collected under the provisions of this Act shall be covered through the Department of Finance into the State Treasury and credited to the General Expenditure Fund. Brewers and wholesalers of beer are hereby authorized to deduct from the amount of the tax collected under the provisions of this Act three (3) per cent of the said amount to cover expenses incident to the reporting and remitting of such taxes as provided in this Act."

Be and the same is hereby repealed, amended and re-enacted so that as amended and re-enacted it shall read as follows:

"All revenues collected under the provisions of this Act shall be covered through the Department of Finance into the State Treasury and credited to the General Expenditure Fund. Brewers and wholesalers of beer and wholesalers of wine and liquor are hereby authorized to deduct from the amount of the tax collected under the provisions of this Act three (3) per cent of the said amount to cover expenses incident to the reporting and remitting of such taxes as provided in this Act."

WHEREAS, a great hardship has been placed upon those persons required by the Alcoholic Beverage Tax Act to affix the stamps and report the tax, and,

WHEREAS, the business of selling and distributing alcoholic beverages is being burdened, and the revenue of the Commonwealth is thereby being endangered, an emergency is hereby declared to exist, and this Act shall become a law and be effective upon the fifth calendar day from the date of its passage and approval by the Governor.

Senator King moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Ray B. Moss
Paul M. Basham	H. Watt Hillman	James C. Rogers
Ollie J. Bowen	Wm. H. Jones, Jr.	Ira W. See
Leer Buckley	Leo King	Paul L. Sidebottom
Dr. D. H. Bush	J. W. McDonald	John A. Sugg, Jr.
Waller A. Crockett	Stanley B. Mayer	J. E. Trager
Edwin C. Dawson	Strother Melton	Thomas O. Turner
Lee Gibson	E. C. Moore	Otis White
Ralph Gilbert	J. Lee Moore	O. C. Whitfield
John M. Hall	Dr. R. C. Moss	B. M. Williams

—30

Resolved that the title thereof be as aforesaid—

Senator King moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 49. An Act to amend Section 4399-32 Kentucky

Statutes, Carroll's 1936 edition, relating to expenses of board members for attending meetings.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 4399-32 Kentucky Statutes, Carroll's 1936 edition be repealed and re-enacted so that when repealed and re-enacted it shall read as follows:

Members of boards of education shall receive no salaries, but members of county boards of education may receive a per diem of five dollars (\$5.00) for each regular or special meeting attended and actual and necessary expenses for attending meetings, and may be reimbursed for other actual and necessary expenditures incurred in the district in the performance of their duties authorized by the board but in no case shall such expense or per diem of any member exceed one hundred dollars (\$100.00) per year. All claims shall be made out according to law and filed with the secretary of the board and shall be approved and paid as other claims against the board.

Senator Farmer moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Lee Gibson	Dr. R. C. Moss
Aubrey Barbour	Ralph Gilbert	Ray B. Moss
Paul M. Basham	John M. Hall	James C. Rogers
H. Stanley Blake	J. Joseph Hettinger	Paul L. Sidebottom
Ollie J. Bowen	H. Watt Hillman	J. E. Trager
Leer Buckley	Wm. H. Jones, Jr.	Thomas O. Turner
Dr. D. H. Bush	Strother Melton	Otis White
Edwin C. Dawson	E. C. Moore	O. C. Whitfield
W. C. Farmer	J. Lee Moore	B. M. Williams

—27

Those who voted in the negative were—

J. W. McDonald John A. Sugg, Jr.

—2

Resolved that the title thereof be as aforesaid—

Senator Farmer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules the Senate took up for consideration from the Orders of the Day a bill which had been made a special order of business for this hour of the following title, viz:

H. B. 179. (For title see Journal of today, ante.)

Said bill is as follows, viz:

(For bill see Journal of today, ante.)

Senator Buckley offered the following amendment to said bill, viz:

Amend H. B. 179 in the Senate on page 6 and in line 20, by inserting after the word "board" in said line the following: "shall be a registered barber or beautician and"

By unanimous consent, said amendment was withdrawn.

Senator Ray B. Moss moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Ray B. Moss
Aubrey Barbour	Wm. H. Jones, Jr.	James C. Rogers
H. Stanley Blake	J. W. McDonald	Paul L. Sidebottom
Ollie J. Bowen	Stanley B. Mayer	John A. Sugg, Jr.
Leer Buckley	Strother Melton	J. E. Trager
Dr. D. H. Bush	J. Lee Moore	O. C. Whitfield
Lee Gibson	Dr. R. C. Moss	B. M. Williams

—21

Those who voted in the negative were—

Paul M. Basham	John M. Hall	Otis White
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—3

Resolved that the title thereof be as aforesaid.

Senator Mayer moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, Senator Barbour moved that the vote by which a bill entitled, viz:

H. B. 220. (For title see Journal of today, ante.)

Was passed be reconsidered.

Said motion was unanimously agreed to.

Thereafter such reconsideration.

Said bill is as follows, viz:

(For bill see Journal of today, ante.)

With the following amendments thereto, as previously considered and adopted by the Senate, viz.:

Amendment No. 1. (For amendment see Journal of today, ante.)

Amendment No. 2. (For amendment see Journal of today, ante.)

Senator Barbour moved that the vote by which the following amendment, viz:

Amendment No. 3. (For amendment see Journal of today, ante.)

Was adopted be reconsidered.

Said motion was unanimously agree to.

Thereafter such reconsideration.

Without objection, Senator Barbour withdrew said amendment.

Senator Barbour then offered the following amendment to said bill in lieu thereof, viz:

Amendment No. 3. Amend H. B. 220 in Senate, in line 20, page 3, section 2, by changing the period after the word "vehicle" to a semicolon and adding the following words: "Provided this Act shall not apply to busses operated in municipalities by merchants in connection with their business, where said busses are licensed by said municipalities."

Said amendment was agreed to.

Said bill was then passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	Ralph Gilbert	James C. Rogers
Aubrey Barbour	John M. Hall	Paul L. Sidebottom
Paul M. Basham	J. Joseph Hettinger	John A. Sugg, Jr.
H. Stanley Blake	H. Watt Hillman	J. E. Trager
Ollie J. Bowen	Wm. H. Jones, Jr.	Thomas O. Turner
Leer Buckley	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Strother Melton	O. C. Whitfield
Waller A. Crockett	E. C. Moore	B. M. Williams
Edwin C. Dawson	J. Lee Moore	J. E. Wise
W. C. Farmer	Dr. R. C. Moss	
Lee Gibson	Ray B. Moss	

—31

Resolved that the title thereof be as aforesaid.

Senator Barbour moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The President of the Senate vacated the Chair which was occupied by Senator Edwin C. Dawson, President Pro Tem of of the Senate, who presided.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

H. Res. 64. Resolution providing for the payment of certain claims due the parties whose names are set out herein and for the amounts set opposite their names, said claims being against the Commonwealth of Kentucky and have not been paid because said claims were not filed with the various departments or agencies of the government of this State at a time when there were sufficient funds in the appropriation to said departments to pay said claims and making an appropriation therefor, in the total sum of \$15,392.02.

Said resolution is as follows, viz:

Whereas, the following named persons have claims against the Commonwealth of Kentucky for the amounts set opposite their names as follows:

T. M. Crutcher Dental Depot, Louisville, Kentucky, \$11.25, Welfare.

Peaslee Gaulbert Corporation, Louisville, Kentucky, \$745.61, Welfare & Div. P. & P. P.

Frankfort Builders Supply Co., Frankfort, Kentucky, \$18.00, Welfare.

Black Motor Company, Harlan, Kentucky, \$10.93, Dept. Mines.

Cupplies-Hesse, St. Louis, Mo., \$9.08, Div. Purchases.

John R. Sower Hardware, Frankfort, Ky., \$63.48, Secretary State.

U. S. Chemical & Exterminating, Louisville, Ky., \$114.00, Welfare.

Goodwin Brothers, Lexington, Ky., \$390.00, Welfare.

M. J. Doll Produce Co., Louisville, Kentucky, \$69.20, Welfare.

Ky. Electric Co., Louisville, Kentucky, \$24.56, Welfare.

Louisville Grocery Co., Louisville, Kentucky, \$83.01, Welfare.

H. A. Kraft's Sons, Louisville, Kentucky, \$58.96, Welfare.

McKesson, Peter Neat Co., Louisville, Kentucky, \$28.28, Welfare.

Vetter Produce Co., Louisville, Kentucky, \$24.90, Welfare.

Standard Furnace & Range Co., Louisville, Kentucky, \$66.45, Welfare.

Carter Dry Goods Co., Louisville, Kentucky, \$33.29, Welfare.

Belknap Hardware Co., Louisville, Kentucky, \$34.35, Welfare.

Armour & Company, Lexington, Kentucky, \$99.00, Welfare.

W. T. Sistrunk & Co., Lexington, Kentucky, \$938.89, Welfare.

J. E. M. Milling Co., Frankfort, Kentucky, \$56.50, Welfare.

Grocer's Baking Co., Lexington, Kentucky, \$339.31, Welfare.

W. T. Sistrunk & Co., Lexington, Kentucky, \$1,135.24, Welfare.

Office Equipment Co., Louisville, Kentucky, \$187.00, Welfare.

Frankfort Motor Sales, Frankfort, Kentucky, \$1.15, Welfare.

Addressograph Sales Co., Louisville, Kentucky, \$95.50, Welfare.

Addressograph Sales Co., Louisville, Kentucky, \$70.00, Welfare.

Blanton Stove Company, Frankfort, Kentucky, \$20.10, Welfare.

Spool Cotton Company, New York City, \$39.90, Welfare.

Spool Cotton Company, New York City, \$63.90, Welfare.

Spool Cotton Company, New York City, \$3.99, Welfare.

Frankfort Ice & Coal Co., Frankfort, Kentucky, \$18.00, Welfare.

Gulf Refining Company, Eddyville, Kentucky, \$45.55, Welfare.

Mrs. W. T. Gregory, Eddyville, Kentucky, \$46.80, Welfare.

Anheuser Bush, Eddyville, Kentucky, \$59.40, Welfare.

Gulf Refining Company, Frankfort, Kentucky, \$11.88, Welfare.

Gulf Refining Company, Frankfort, Kentucky, \$51.80, Welfare.

Gulf Refining Company, Frankfort, Kentucky, \$37.40, Welfare.

Cecil C. Harp, Frankfort, Kentucky, \$383.50, Welfare.

Harriet Cleek, R. N., Lexington, Ky., \$15.00, Welfare.

Chemical Supply Co., Louisville, Ky., \$82.50, Welfare.

LaGrew's, Inc., \$23.50, Welfare.

J. K. Whitt, Jailer, Prestonsburg, Ky., \$624.00, Welfare.

R. K. Cain, Jailer, Danville, Kentucky, \$1,313.00, Welfare.

J. H. Reed, Lexington, Ky., \$16.35, Welfare.

W. Jess Buchanan, Eddyville, Ky., \$5.85, Welfare.

Roger P. Whitten, Eddyville, Ky., \$30.70, Welfare.

C. R. Logan, Eddyville, Ky., \$113.25, Welfare.

Elmus Beale, Murray, Kentucky, \$48.20, Welfare.

Chemical Construction Co., Memphis, Tenn., \$1,627.50, Welfare.

Beatrice Young, R. N., Lexington, Kentucky, \$5.00, Welfare.

Benson Valley Milling Co., Frankfort, Ky., \$10.50, Welfare.

Troy C. Combs, Jailer, Hazard, Kentucky, \$592.00, Welfare.

Alenite Company of O. Valley, \$76.67, Welfare.

Lynch Construction Co., \$192.62, Welfare.

Frey Planing Mill Company, \$87.09, Welfare.

Clyde Lassiter, \$10.00, Welfare.

Martin L. Brodie, \$60.00, Welfare.

Joe M. Brown, \$60.00, Welfare.

Grant Phillips, \$25.00, Welfare.

Clifton Stanley, \$20.00, Welfare.

Rue Clevenger, \$20.00, Welfare.

Vernon Sanders, \$20.00, Welfare.

Gene Dye, \$20.00, Welfare.

Willie Kenney, \$20.00, Welfare.

W. Jeff Hammond, \$953.80, Welfare.

Frankfort Motor Sales, \$4.35, Welfare.

Tom Pig's Cafe, \$8.80, Welfare.

Armour & Company, \$2.80, Welfare.

Broadway Grocery Company, \$10.19, Welfare.

Given's Cafe, \$53.55, Welfare.

Ebner Drug Inc., \$2.77, Welfare.

Capital Hotel, \$54.72, Welfare.

T. M. Crutcher Dental Depot, Louisville, Ky., \$13.65, Welfare.

Cupples Hesse Envelope, St. Louis, Mo., \$45.41, Welfare.

Plumbers Supply Company, Louisville, Ky., \$17.83, Welfare.

Nashville Coal Co., Louisville, Ky., \$1,090.08, Welfare.

Stearns Coal & Lumber Co., Stearns, Ky., \$2,425.08, Welfare.

W. L. Trabue, D. D. S., Hopkinsville, Ky., \$100.00, Welfare.

Total\$15,392.02

Whereas, all of these claims are for services rendered to the Commonwealth of Kentucky and to the departments of the State of Kentucky as set opposite their names, and

Whereas, at the time the said bills were contracted by the departments there was an emergency and there was a sufficient sum in the appropriation of said departments at said time to pay said claims, but before the claims were presented to the departments, the fiscal year in which the said indebtedness was contracted had ended and the appropriation of said department was either exhausted or had reverted to the general fund, now, therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. There is hereby appropriated out of the general fund the sum of fifteen thousand, three hundred and ninety-two dollars and two cents (\$15,392.02) for the purpose of paying the claims of the parties herein named in the amounts set opposite their names which sums were contracted by the departments of state as set opposite the amounts and names of the parties herein.

§ 2. That said claims shall be audited by the Auditor of Public Accounts and paid out of the appropriation herein made and the Auditor of Public Accounts when he has audited said claims as to their correctness, will draw his warrant upon the State Treasurer in the name of the parties herein set out and for the amounts set opposite their names, and the Treasurer upon receipt of said warrant will issue his check to the parties for the respective amounts due them as herein set out.

Senator T. O. Turner moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said resolution be read the third time.

Said resolution having been read at length for the third time, in accordance with the provision of the Constitution, said resolution was passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Aubrey Barbour	John M. Hall	Jos. P. Tackett
Paul M. Basham	J. Joseph Hettinger	J. E. Trager
H. Stanley Blake	Wm. H. Jones, Jr.	Thomas O. Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Waller A. Crockett	Dr. R. C. Moss	B. M. Williams
Lee Gibson	James C. Rogers	J. E. Wise
Ralph Gilbert	Paul L. Sidebottom	—23

There voted in the negative—

Wm. R. Attkisson	—1
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Resolved that the title thereof be as aforesaid.

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered, and that said motion lie on the table.

Said motion last named was agreed to.

At the instance of the committee on Rules, the Senate

took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 78. A joint resolution appropriating from the General Fund of the State of Kentucky for the purpose of paying A. H. Boles, Special Bailiff, Monroe Circuit Court, for services to the Commonwealth, by bringing from outside the County, a witness to testify in behalf of the Commonwealth at the regular April Term of Court 1930, the sum of Forty-Eight Dollars and Sixty Cents (\$48.60) with interest.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That Whereas, A. H. Boles, Special Bailiff, Monroe Circuit Court delivered from outside the County, a witness to testify in said court in behalf of the Commonwealth; and,

WHEREAS, the said Court allowed him an expense account of \$48.60 for his services, which account is shown in the State Auditor's Book; and,

WHEREAS, though he has not collected it, it is a just and honest debt owed to the said A. H. Boles by the State of Kentucky

NOW BE IT RESOLVED that there be, and is hereby appropriated out of the General Fund of the State of Kentucky, the sum of \$48.60, with interest for the purpose of paying said A. H. Moles for said services, and the Auditor is authorized and directed to draw a warrant on the General Fund for the above named purpose.

Senator Gilbert moved the Previous Question.

Whereupon the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	James C. Rogers
Aubrey Barbour	J. Joseph Hettinger	John A. Sugg, Jr.
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	J. W. McDonald	Thomas O. Turner
Ollie J. Bowen	Strother Melton	E. T. Wesley
Dr. D. H. Bush	E. C. Moore	Otis White
W. C. Farmer	J. Lee Moore	O. C. Whitfield
Lee Gibson	Dr. R. C. Moss	B. M. Williams
Ralph Gilbert	Ray B. Moss	J. E. Wise

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Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 35. Resolution appropriating the sum of Two Hundred and Fifty (\$250.00) Dollars for the purpose of paying Miss Sarah Margaret Layman for her services rendered

as stenographer to the investigating committee appointed by the Speaker of the House and the President of the Senate during the 1936 session of the General Assembly, which committee investigated certain alleged interlineations in a bill then pending before the House of Representatives and authorizing the Auditor of Public Accounts to draw his warrant for said sum in favor of Miss Sarah Margaret Layman and authorizing the Treasurer to issue check for said sum to Miss Sarah Margaret Layman for her services.

Said resolution is as follows, viz:

RESOLUTION appropriating the sum of Two Hundred and Fifty (\$250.00) Dollars for the purpose of paying Miss Sarah Margaret Layman for her services rendered as stenographer to the investigating committee appointed by the Speaker of the House and the President of the Senate during the 1936 session of the General Assembly, which committee investigated certain alleged interlineations in a bill then pending before the House of Representatives and authorizing the Auditor of Public Accounts to draw his warrant for said sum in favor of Miss Sarah Margaret Layman and authorizing the Treasurer to issue check for said sum to Miss Sarah Margaret Layman for her services.

WHEREAS, the Speaker of the House and the President of the Senate at the 1936 regular session of the General Assembly appointed a committee to investigate certain alleged interlineations in a bill then pending in the House of Representatives, and

WHEREAS, said committee heard proof as to said interlineations and it became necessary that said proof be taken in shorthand and transcribed for the benefit of the committee and the members of the General Assembly, and

WHEREAS, Miss Sarah Margaret Layman, a stenographer in the office of the then Attorney General, B. M. Vincent, was selected to take the testimony of the various witnesses and to transcribe said testimony, and

WHEREAS, practically all of the work done by the said Sarah Margaret Layman was done at night and after office hours, and

WHEREAS, said committee was in session and taking proof for a period of more than five or six weeks, and

WHEREAS, there was a great volume of testimony taken in shorthand and transcribed by the said Sarah Margaret Layman, all of which testimony was important and necessary for the committee to make its report and recommendations to the General Assembly, and

WHEREAS, it was necessary for the stenographer to make several copies of the testimony heard by the committee and she transcribed and filed with the committee three large volumes of testimony, which testimony was filed with six members of the committee, thereby making it necessary for her to make six copies of the testimony, and

WHEREAS, at the time that said testimony was filed the regular session of the General Assembly was about to adjourn, and there was not time remaining at said session to introduce and pass a resolution to pay Miss Layman for her services rendered the said committee, Now, therefore,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That there be appropriated out of the general fund the sum of two hundred and fifty (\$250.00) dollars to be paid to the said Sarah Margaret Layman for her services rendered the committee investigating the interlineations in a bill pending in the House of Representatives and that the Auditor of Public Accounts be and he is hereby directed to draw his warrant upon the Treasurer for said amount and the Treasurer is hereby ordered and directed when said warrant is presented to him, to draw a check in favor of said Sarah Margaret Layman, for the purpose and under the conditions and terms heretofore set out.

Senator Hettinger moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now Put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	J. E. Trager
Aubrey Barbour	H. Watt Hillman	Thomas O. Turner
Paul M. Basham	J. W. McDonald	E. T. Wesley
H. Stanley Blake	J. Lee Moore	Otis White
Dr. D. H. Bush	Dr. R. C. Moss	O. C. Whitfield
W. C. Farmer	Ray B. Moss	B. M. Williams
Lee Gibson	James C. Rogers	J. E. Wise
Ralph Gilbert	Paul L. Sidebottom	
John M. Hall	John A. Sugg, Jr.	

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Resolved that the title thereof be as aforesaid—

Senator Hettinger moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a resolution entitled:

H. Res. 68. A joint resolution, appropriating from the General Fund of the State of Kentucky the sum of Seventy Dollars (\$70.00) for payment of claims ordered and issued to the Hon. C. D. Houchins, Judge of the Edmonson County Court, by the Edmonson Circuit Court.

Said resolution is as follows, viz.:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky that:

There be and is hereby appropriated from the General Fund of the State of Kentucky the sum of Seventy Dollars (\$70.00) for the purpose of paying Judge C. D. Houchins' fees for services for holding examining trials ordered and issued by the Edmonson Circuit Court:

2/22/34 Estil Jones et al., charged with murder,	
for which they were indicted,	\$2.00
3/21/34 Jack Murray, false swearing,	2.00
4/ 2/34 John Wingfield, charged with murder,	2.00
5/25/34 Ben Dowel, charged with cold check above	
\$20.00,	2.00
6/16/34 Ulis Basham, charged with murder,	2.00
6/16/34 Floyd Basham, charged with murder,	2.00
7/15/34 Stanly Vincent, housebreaking,	2.00
7/15/34 Leslie Houchins and Walter Lindsey,	
banding and confederating,	2.00
8/24/34 Woodrow Vincent, cutting and wounding	
with intent to kill,	2.00
7/25/34 Kirby Houchin, Ray Houchin, storehouse	
breaking,	2.00
9/24/34 Ted Gipson, striking with intent to kill,	2.00
10/23/34 Orland Monroe, deserting infant children,	2.00

10/24/34 Eula Sanders, striking and wounding with a deadly weapon,	2.00
10/30/34 Malcolm Barron, grand larceny,	2.00
10/30/34 Franklyn Clark, grand larceny,	2.00
11/ 2/34 Paul Houchin, horse stealing,	2.00
11/ 6/34 Shelby Bashman, cutting and wounding with intent to kill,	2.00
11/ 6/34 Dunk Bashman, aiding and abetting another with intent to kill,	2.00
12/10/34 Dellard Saltsman, murder,	2.00
1/ 7/34 Homer Scruggs, charged with forgery,.....	2.00
2/ 4/35 Frank Wells, charged with grand larceny,	2.00
3/18/35 Floyd Basham, Dewey Raymer, banding ing and confederating,	2.00
3/18/35 Amos McGrew, Howard Vincent, grand larceny,	2.00
3/ 6/35 Fount Hardin, shooting at another with intent to kill,	2.00
5/ 7/35 Albert Conway, murder,	2.00
5/11/35 Myrtle Coats, murder,	2.00
5/12/35 Garvin Gus Coats, murder,	2.00
8/ 2/35 Bill Ball Brooks, hog stealing,	2.00
12/ 2/35 Allen Norris, forgery,	2.00
12/ 3/35 Alberta Brunty, seduction under the promise of marriage,	2.00
1/ 3/36 Walter Lindsey, seduction under the promise of marriage,	2.00
4/15/36 Dewey Raymer, arson,	2.00
10/ 6/36 Lena Coats, shooting and wounding with intent to kill,	2.00
10/22/36 Collie James, Carmen Mills, et al.,	2.00
11/12/36 Fonce Gipson, shooting and wounding with intent to kill,	2.00

TOTAL \$70.00

That the State Auditor be authorized and directed to draw warrant for said amount, payable to the said C. D. Houchins from the said fund.

Senator White moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Aubrey Barbour	John M. Hall	J. E. Trager
Paul M. Basham	H. Watt Hillman	Ervine Turner
Stanley H. Blake	Leo King	Thomas O. Turner
Ollie J. Bowen	J. W. McDonald	E. T. Wesley
Dr. D. H. Bush	Strother Melton	Otis White
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
W. C. Farmer	Ray B. Moss	B. M. Williams
Lee Gibson	John A. Sugg, Jr.	J. E. Wise
Ralph Gilbert	Jos. P. Tackett	

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Resolved that the title thereof be as aforesaid—

Senator White moved that the vote by which said reso-

lution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a resolution entitled:

H. Res. 79. Whereas, the present employees and officers of the General Assembly have rendered faithful service during all sessions of the General Assembly, meeting in regular session, during the year 1938.

Said resolution is as follows, viz:

WHEREAS, The present employees and officers of the General Assembly have rendered faithful service during all sessions of the General Assembly, meeting in regular session, during the year 1938, and

WHEREAS, The General Assembly, in view of the services rendered, deems the compensation allowed by law as provided for in Chapter 88 of the Acts of the General Assembly of 1936, inadequate, Now Therefore

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That there is hereby appropriated from the Legislative Session Fund as additional compensation, for the employees and officers of the Senate and the House of Representatives, to that compensation provided in Chapter 88 of the Acts of the General Assembly of 1936, the sum of Seven thousand one hundred thirty-three (\$7,133.00) dollars.

§ 2. That the Chief Clerk of the Senate shall requisition and the Commissioner of Finance shall approve, and the Auditor of Public Accounts shall draw a warrant, for the sum of Two Thousand six hundred and twenty-two dollars (\$2,622.00) on the Treasury of the Commonwealth of Ken-

tucky in favor of the Chief Clerk of the Senate. Such Chief Clerk shall forthwith distribute to the employees and officers of the Senate such funds on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in the year 1938, the rate per day to be computed by said Chief Clerk and the presiding officer of the Senate on a pro rata basis of the amounts authorized to be paid them by Chapter 88 of the Acts of the General Assembly of 1936.

§ 3. The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall approve, and the Auditor of Public Accounts shall draw a warrant, for the sum of four thousand five hundred eleven (\$4,511.00) dollars on the Treasury of the Commonwealth of Kentucky in favor of the Chief Clerk of the House of Representatives. Such Chief Clerk shall forthwith distribute to the employees and officers of the House of Representatives such funds on the basis of the number of days that such employees and officers served during the regular session of the General Assembly in the year 1938. The rate per day to be computed by said Chief Clerk and the presiding officer of the House of Representatives on a pro rata basis of the amounts authorized to be paid them by Chapter 88 of the Acts of the General Assembly of 1936.

§ 4. All Acts or parts of Acts in conflict herewith to the extent of such conflict are hereby repealed.

§ 5. Whereas, the General Assembly will within a short time adjourn and the employees and officers will depart to various sections of the State, an emergency is hereby declared to exist, and this Resolution shall be effective from and after its passage and approval by the Governor of the Commonwealth of Kentucky.

Senator Attkisson moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the page of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Wm. H. Jones, Jr.	Jos. P. Tackett
Stanley H. Blake	Leo King	J. E. Trager
Ollie J. Bowen	J. W. McDonald	Ervine Turner
Leer Buckley	Stanley B. Mayer	Otis White
Waller A. Crockett	Strother Melton	O. C. Whitfield
Edwin C. Dawson	J. Lee Moore	B. M. Williams
Lee Gibson	Dr. R. C. Moss	
John M. Hall	Ray B. Moss	

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Those who voted in the negative were—

Dr. D. H. Bush	Ralph Gilbert
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—2

Resolved that the title thereof be as aforesaid—

Senator Attkisson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate re-

sumed consideration of a bill which had been made a special order of business for this hour entitled, viz:

H. B. 18. (For title see Journal of today, ante.)

Said bill is as follows, viz:

(For bill see Journal of today, ante.)

With an amendment thereto by way of substitute therefor as offered by Senator Tackett, viz:

(For substitute see Journal of today, ante.)

Senator Jones offered the following amendments to said amendment thereto by way of substitute therefor, viz:

Amendment No. 1. To amend the typewritten copy of Committee Substitute for H. B. No. 18 as follows: On page 2, section (f), line 11 to strike out the word "hereafter"

Amendment No. 2. To amend the typewritten copy of the Rules Committee Substitute for H. B. No. 18 as follows:

Page 3, line 13, at the end of line nine following the word "Act," insert the words "or which may hereafter become dry in accordance with the Local Option Law,"

Said amendments to said substitute were each and severally agreed to.

Said amendment thereto by way of substitute therefor was then agreed to.

Senator Tackett moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	James C. Rogers
Aubrey Barbour	J. Joseph Hettinger	Paul L. Sidebottom
Ollie J. Bowen	Wm. H. Jones, Jr.	Jos. P. Tackett
Leer Buckley	Leo King	J. E. Trager
Waller A. Crockett	Stanley B. Mayer	Thomas O. Turner
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Ray B. Moss	J. E. Wise

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Those who voted in the negative were—

Paul M. Basham	Lee Gibson	E. C. Moore
H. Stanley Blake	H. Watt Hillman	Ervine Turner
Dr. D. H. Bush	J. W. McDonald	E. T. Wesley
W. C. Farmer	Strother Melton	Otis White

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Resolved that the title thereof be as aforesaid.

Senator Tackett moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Senator Edwin C. Dawson, President Pro Tem of the Senate, vacated the Chair, and the President of the Senate resumed the chair and presided.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

H. Res. 80. Resolution for the benefit of Ben Haskey, Kaley Barker, Zeysing Allen, John H. Twyman, Thomas Moon, Ada O'Nan, Hilton King, Lester E. Moore, Norman Kirk, John Tackett, Jane Collins, Mrs. Jessie Lyons and Mrs. Stella Shields.

Said resolution is as follows, viz:

WHEREAS, the above named employees have had their work materially increased during the session of the present Assembly of the Commonwealth of Kentucky and have worked overtime to keep the State Capitol clean for said session, and declaring an emergency to exist,

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

There is hereby set aside from the legislative expense fund the sum of Two Hundred and Sixty (\$260.00) Dollars.

That said Ben Haskey, Kaley Barker, Zeysing Allen, John H. Twyman, Thomas Moon, Ada O'Nan, Hilton King, Lester E. Moore, Norman Kirk and John Tackett, Jane Collins, Mrs. Jessie Lyons and Mrs. Stella Shields, be each allowed the sum of Twenty (\$20.00) Dollars, which allowance shall be in addition to what they now receive for their services as above set out.

The Chief Clerk of the House of Representatives shall requisition and the Commissioner of Finance shall approve, and the Auditor of Public Accounts shall draw a warrant on the State Treasurer for the above set out compensation in favor of the above named state employees.

Whereas, the General Assembly will within a short time adjourn and said employees are in need of the money provided for in this act and it is the desire of the General Assembly

that they be paid immediately upon the passage of this act and its approval by the Governor, an emergency is hereby declared to exist.

Senator Attkisson offered the following amendment to said resolution, viz.:

Amendment No. 1. Amend H. Res. No. 80 by adding after the name "John Tackett" in line 3 thereof, the name "Fletcher Davis"

Said amendment was agreed to.

Senator Trager offered the following amendment to said bil, viz:

Amendment No. 2. Amend H. Res. No. 80 by adding in line 5, page 1 of the printed bill, after the name "Shields" the following additional names, viz: "Corinne Crumbaugh, Edith Hamilton"

Said amendment was agreed to.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading at length of said resolution being dispensed with, said resolution was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Stanley Blake	Dr. D. H. Bush
Aubrey Barbour	Ollie J. Bowen	Waller A. Crockett
Paul M. Basham	Leer Buckley	Lee Gibson

Ralph Gilbert	Strother Melton	J. E. Trager
John M. Hall	J. Lee Moore	Ervine Turner
J. Joseph Hettinger	Dr. R. C. Moss	E. T. Wesley
H. Watt Hillman	Ray B. Moss	Otis White
Wm. H. Jones, Jr.	James C. Rogers	O. C. Whitfield
Leo King	Paul L. Sidebottom	B. M. Williams
J. W. McDonald	John A. Sugg, Jr.	
Stanley B. Mayer	Jos. P. Tackett	

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Senator Trager offered the following amendment to the title of said resolution, viz:

Amend the title to said resolution by adding after the name "Shields" the following additional names: "Corinne Crumbaugh, Edith Hamilton and Fletcher Davis"

Said amendment to the title was agreed to.

Resolved that the title thereof be as amended.

Senator Attkisson moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 74. Joint Resolution authorizing and directing payment of the sum of one thousand four hundred and thirty dollars (\$1,430.00) to Brooks Hargrove, Chief Clerk of the House of Representatives of the General Assembly of the State of Kentucky, and the sum of eight hundred and eighty dollars (\$880.00) to Marshall Barnes, Assistant Clerk of the House of Representatives of the General Assembly of the State of Kentucky, representing the amounts due them for

services rendered in 1937 proof reading copies for journals of the 1936 regular session and three 1936 special sessions and one special session of 1936-1937.

Said resolution is as follows, viz:

WHEREAS, the Honorable Brooks Hargrove, Chief Clerk of the House of Representatives of the General Assembly rendered services for which he is entitled to the sum of one thousand four hundred and thirty dollars (\$1,430.00) pursuant to Section one thousand nine hundred and ninety-one (1991) of the Statutes, and

WHEREAS, the Honorable Marshall Barnes, Assistant Clerk of the House of Representatives of the General Assembly rendered services amounting to eight hundred and eighty dollars (\$880.00) pursuant to Section 1889a-2 and to Section 1991 of the Statutes, and

WHEREAS, the Auditor of Public Accounts has refused to pay these according to his construction of said Section, which was contrary to the construction of the Attorney General's office, and

WHEREAS, said amounts are just and due and owing to said Clerk and Assistant Clerk, Now Therefore,

Be it Resolved by the House of Representatives of the Commonwealth of Kentucky, the Senate concurring therein:

That the sum of one thousand four hundred and thirty dollars (\$1,430.00) be and the same is hereby appropriated out of the Legislative Expense Fund to be paid to the said Brooks Hargrove; and the sum of eight hundred and eighty dollars (\$880.00) be and the same is hereby appropriated out of the said Legislative Fund to be paid to the said Marshall Barnes; and the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for the aforesaid sums and to deliver same to the said Brooks Hargrove and Marshall Barnes for the purposes aforesaid.

Senator Attkisson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	John A. Sugg, Jr.
Aubrey Barbour	Leo King	Jos. P. Tackett
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Stanley B. Mayer	Ervine Turner
Leer Buckley	Strother Melton	Thomas O. Turner
Dr. D. H. Bush	J. Lee Moore	E. T. Wesley
Waller A. Crockett	Dr. R. C. Moss	Otis White
Lee Gibson	Ray B. Moss	O. C. Whitfield
Ralph Gilbert	James C. Rogers	B. M. Williams
John M. Hall	Ira W. See	J. E. Wise
J. Joseph Hettinger	Paul L. Sidebottom	

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Resolved that the title thereof be as aforesaid—

Senator Attkisson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 32. Joint Resolution authorizing the State Department of Health to co-operate with the Public Health Service and the Children's Bureau under titles five and six of the Social Security Act.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the State Department of Health be authorized to accept grants to States for Maternal and Child Welfare including Maternal and Child Health Service and Service for Crippled Children under Title Five of the Social Security Act passed by the Seventy fourth Congress and approved August 14, 1935, and grants for Public Health work under Title Six of the same Act, and to expend such funds in accordance with Section 2047a-3, Kentucky Statutes.

Senator Attkisson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	James C. Rogers
Aubrey Barbour	J. Joseph Hettinger	Ira W. See
Paul M. Basham	H. Watt Hillman	John A. Sugg, Jr.
Ollie J. Bowen	Leo King	Jos. P. Tackett
Leer Buckley	J. W. McDonald	J. E. Trager
Dr. D. H. Bush	Stanley B. Mayer	Ervine Turner
Waller A. Crockett	Strother Melton	Otis White
Lee Gibson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Dr. R. C. Moss	B. M. Williams

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Resolved that the title thereof be as aforesaid—

Senator Attkisson moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. Res. 66. Resolution authorizing the payment to G. L. Langdon, former Sheriff of Clay County, Kentucky, the sum of Three Hundred Twenty-nine Dollars (\$329.00) representing moneys spent by him in payment of jury claims which were later disallowed by the Auditor.

Said resolution is as follows, viz:

WHEREAS, at the April Term 1932 of the Clay Circuit Court it was necessary to obtain six (6) additional jurors for the transaction of the business of the court, and

WHEREAS, G. L. Langdon, then Sheriff of Clay County,

Kentucky, did in good faith purchase from the said six persons, White Hall, Luther Woods, Merida Couch, Jesse Rice, Mrs. Arch Roberts, and, upon their proper endorsement, the jury claims issued to them, aggregating a total of THREE HUNDRED TWENTY-NINE DOLLARS (\$329.00), and

WHEREAS, when the claims of the aforesaid six jurors were presented to the Auditor for payment he refused to allow the said claims because, as he claimed, there were too many jurors at that term of the court, and

WHEREAS, the said Sheriff, G. L. Langdon, did in good faith expend the sum of three hundred twenty-nine dollars expecting that the Commonwealth would pay these jury claims as others are paid, according to law,

Now, therefore, be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the Auditor of Public Accounts is directed to draw his warrant upon the Treasurer for the sum of THREE HUNDRED TWENTY-NINE DOLLARS (\$329.00) payable to G. L. Langdon, as compensation for moneys expended by him in purchasing jury claims in good faith from White Hall, Luther Woods, Merida Couch, Jesse Rice, Mrs. Arch Roberts and

Senator Williams moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Edwin C. Dawson	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	John A. Sugg, Jr.
Paul M. Basham	Strother Melton	Jos. P. Tackett
Ollie J. Bowen	Dr. R. C. Moss	J. E. Trager
Leer Buckley	Ray B. Moss	Ervine Turner
Waller A. Crockett	James C. Rogers	B. M. Williams

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There voted in the negative—

Ralph Gilbert

—1

Resolved that the title thereof be as aforesaid—

Senator Williams moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The President of the Senate vacated the Chair, which was occupied by Senator Edwin C. Dawson, President Pro Tem of the Senate, who presided.

At the instance of the Committee on Rules, the Senate resumed consideration of a bill which had been made a special order of business for this hour entitled, viz:

H. B. 372. (For title see Journal of today, ante.)

Said bill is as follows, viz:

(For bill see Journal of today, ante.)

Senator Sugg offered the following amendments to said bill, viz:

Amendment No. 1. Amend H. B. No. 372, page 6, section 6, line 3, and 4, by striking therefrom the words "the State Highway Patrol" and inserting in lieu thereof the following: "the Department of Revenue or a Circuit Court having jurisdiction over the defendant."

Amendment No. 2. Amend House Bill 372 page 7 section 7 lines 3, 4 and 7 by striking from each of said lines the following: "the State Highway Patrol" and inserting in lieu thereof the following: "the Department of Revenue or a Circuit Court having jurisdiction over the defendant."

Amendment No. 3. Amend House Bill No. 372 page 8 section 6 line 23 by striking therefrom the following words: "the State Highway Patrol" and inserting in lieu thereof the following: "the Department of Revenue or a Circuit Court having jurisdiction over the defendant."

Amendment No. 4. Amend House Bill No. 372 page 8 section 7 lines 19, 24, 26, 30, 36 and 39 by striking from each of said lines the following: "the State Highway Patrol" and inserting in lieu thereof the following: "the Department of Revenue or a Circuit Court having jurisdiction over the defendant."

Amendment No. 5. Amend House Bill 372 page 9 Section 9 by adding after the period on line 11 the following:

"No person shall be required to take the examination provided by this section who, prior to the effective date of this Act, is the holder of a driver's license issued by the Commonwealth of Kentucky, provided, however, that should any driver's license be revoked or suspended for cause the person so convicted shall apply for reinstatement at the termination of the suspension period by submitting to the examination

herein provided. The holder of a license shall be entitled to a renewal of same without examination unless the holder's license to operate an automobile in the Commonwealth of Kentucky shall have been suspended or revoked by the Department of Revenue or a Circuit Court having jurisdiction over the person of the defendant."

Amendment No. 6. Amend printed copy of House Bill 372 on page 11, section 12, line 28, by striking therefrom the words "the State Highway Patrol" and inserting in lieu thereof the following: "the Department of Revenue."

Amendment No. 7. Amend printed copy of House Bill 372 on page 11, section 12, line 34 and 36, by striking therefrom the words "the State Highway Patrol" and inserting in lieu thereof the following: "the Department of Revenue or a Circuit Court having jurisdiction over the defendant."

Amendment No. 8. Amend printed copy of House Bill 372 on page 12, section 12, line 41 and 43 by striking from each of said lines the following: "the State Highway Patrol" and inserting in lieu thereof the following: "Department of Revenue."

Senator Wise moved that said amendments be laid on the table.

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the affirmative were—

Aubrey Barbour	Ira W. See	Otis White
E. C. Moore	J. E. Trager	J. E. Wise

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Those who voted in the negative were—

Wm. R. Attkisson	Leer Buckley	J. Joseph Hettinger
Ollie J. Bowen	Ralph Gilbert	H. Watt Hillman

Wm. H. Jones, Jr.	Ray B. Moss	Ervine Turner
Leo King	James C. Rogers	Thomas O. Turner
Stanley B. Mayer	Paul L. Sidebottom	O. C. Whitfield
J. Lee Moore	John A. Sugg, Jr.	B. M. Williams
Dr. R. C. Moss	Jos. P. Tackett	—20

Whereupon, said motion was disagreed to.

Major Hanson, Director of the Department of Safety, appeared upon the floor of the Senate, and, at the instance of the Committee on Rules, addressed the members of the Senate briefly concerning the merits of said bill.

Senator Sugg moved that said amendments be each and severally agreed to.

Said motion was agreed to.

Thereupon, said amendments as offered by Senator Sugg were each and severally agreed to.

Senator Sugg moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said

bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	Wm. H. Jones, Jr.	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
Ollie J. Bowen	Stanley B. Mayer	Ervine Turner
Leer Buckley	J. Lee Moore	Thomas O. Turner
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Ralph Gilbert	Ray B. Moss	B. M. Williams
John M. Hall	James C. Rogers	
J. Joseph Hettinger	Paul L. Sidebottom	—22

Those who voted in the negative were—

Aubrey Barbour	Strother Melton	Otis White
H. Stanley Blake	E. C. Moore	J. E. Wise
W. C. Farmer	Ira W. See	
Lee Gibson	J. E. Trager	—10

Resolved that the title thereof be as aforesaid.

Senator Sugg moved that the vote by which said bill was passed be reconsidered, and that said motion lie on the table.

Said last named motion was agreed to.

Senator Edwin C. Dawson, President Pro Tem of the Senate, vacated the Chair, and the President of the Senate resumed the Chair and presided.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a resolution entitled, viz:

S. Res. 66. Resolution authorizing the personal representative of Hoyt Hedges, deceased, to file and prosecute suit

against Fayette County, Kentucky, and the Fiscal Court of Fayette County, Kentucky.

Senator Buckley moved that a resolution of the following title, viz:

H. Res. 83. Resolution authorizing the personal representative of Hoyt Hedges, deceased, to file and prosecute suit against Fayette County, Kentucky, and the Fiscal Court of Fayette County, Kentucky.

Be substituted therefor.

Said motion was agreed to unanimously.

Said last named resolution is as follows, viz.:

RESOLUTION, authorizing the personal representative of Hoyt Hedges, deceased, to file and prosecute suit against Fayette County, Kentucky, and the Fiscal Court of Fayette County, Kentucky.

WHEREAS, one Hoyt Hedges, was employed as a laborer by Fayette County in said County's quarry and while in the course of his employment and in the performance of the duties on or about the 25th day of October, 1937, fell through the floor in the loading platform at said quarry, and,

WHEREAS, said quarry is owned, operated and maintained by Fayette County and the Fiscal Court of Fayette County and as a direct result of injuries received in said fall, the said Hoyt Hedges died thereafter on December 13, 1937.

Now, in order to determine by judicial action the question of the negligence of said County and its fiscal court and its employees in the premises;

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of said Hoyt Hedges

be, and he is, hereby empowered and authorized to institute and prosecute a civil action for damages, and sue Fayette County, Kentucky, and the Fiscal Court of said County, for said wrongful injury and death of Hoyt Hedges and to determine the liability, if any, of said County and its fiscal court.

Said action may be brought within one year from the date of the passage of their resolution in the Fayette Circuit Court, for such injury and death and medical, surgical, ambulance, hospital and burial expense, and loss to said estate by reason of the destruction of the power of Hoyt Hedges to labor and earn money.

Ordered that said resolution be read the third time.

The Constitutional provision as to the third reading at length of said resolution being dispensed with, said resolution was read the third time by its title only and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Ira W. See
Aubrey Barbour	H. Watt Hillman	Paul L. Sidebottom
Paul M. Basham	Leo King	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	Jos. P. Tackett
Ollie J. Bowen	Stanley B. Mayer	Ervine Turner
Leer Buckley	Strother Melton	E. T. Wesley
Edwin C. Dawson	J. Lee Moore	Otis White
W. C. Farmer	Dr. R. C. Moss	B. M. Williams
Ralph Gilbert	Ray B. Moss	J. E. Wise
John M. Hall	James C. Rogers	—29

There voted in the negative—

Thomas O. Turner

—1

Resolved that the title thereof be as aforesaid.

At the instance of the Committee on Rules the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 355. An Act to amend and re-enact subsections five (5) and nine (9) of Section 1083-a of Carroll's Kentucky Statutes, relating to the administration of justice in courts of justices of the peace in counties having a population in excess of two hundred fifty thousand (250,000), by providing for the issuance of certain processes, notices, subpoenae and releases and the attestation of copies of matter of record by the recorders for the said courts; for the payment of the salaries provided by law for the offices of constable in the said counties; requiring the performance of certain additional duties by constables and deputy constables in the said counties including the making of certain reports; providing for the execution of the processes of the courts of justices of the peace in the said counties and fixing the duties of constables and deputy constables relative thereto; and whereas, in the said counties intensive industrial and commercial development and consequent density of population have combined to produce definitely changed conditions of life by reason of which demands upon constables and deputy constables therein are continuous, voluminous and exacting, and by reason of which it is necessary to an efficient administration of justice in courts of justices of the peace in the said counties that the constables and deputy constables therein devote the greater part of their time to the execution of the processes of the said courts and there is not the same need to act as peace officers because of provision made otherwise by law for other peace officers in such counties, now, therefore;

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That subsection five (5) of Section 1083-a of Car-

roll's Kentucky Statutes is amended by adding to the said subsection the following: "To certify by attestation the accuracy of copies of pleading, orders, judgments, proceedings and other matters of record in the court in which the recorders are employed; to issue releases for wages held under garnishment after the allowance of pleas of exemption; to issue all processes, notices and subpoenae which a justice of the peace has power to issue except warrants of arrest, search warrants, commitments, orders of arrest, distress warrants, orders for the delivery of personal property, executions, processes or orders for the release or discharge of any person from custody of confinement, or for the release or discharge of any property under the control or in the possession of the court or any officer except as hereinabove provided, and in addition to the exceptions herein enumerated no recorder or deputy recorder shall admit any person to bail or take any bail or other bond in any criminal or civil action or proceeding," so that when so amended and re-enacted the said sub-section five (5) shall read as follows: It shall be the duty of each recorder, after executing bond as required in section four (4) (K. S. Section 1083-a-4) hereof, to receive for the county the correct amounts of money which, under the provisions of this act become a part of the general fund of the county. Each recorder shall keep such records, in the manner and form as prescribed by the fiscal court as will enable the recorder, and the fiscal court, to ascertain from time to time the correct amounts of money received, or due and not received, for the general fund of the county. Each recorder, and each deputy recorder, shall perform such clerical services, under the direction of the justices of the peace, as will assist and enable said justice to promptly dispatch litigation, and such clerical services as will assist and enable the justice to accurately keep such records thereof as are required by law. Recorders and deputy recorders shall have the power to administer oaths; to certify by attestation the accuracy of copies of pleadings, orders, judgments, proceedings and other matters

of record in the court in which the recorders are employed; to issue releases for wages held under garnishment after the allowances of pleas of exemption; to issue all processes, notices and subpoenae which a justice of the peace has power to issue except warrants of arrest, search warrants, commitments, orders of arrest, distress warrants, orders for the delivery of personal property, executions, processes or orders for the release or discharge of any person from custody or confinement, or for the release or discharge of any property under the control or in the possession of the court or any officer except as hereinabove provided, and, in addition to the exceptions herein enumerated no recorder or deputy recorder shall admit any person to bail or take any bail or other bond in any criminal or civil action or proceeding.

§ 2. That subsection nine (9) of Section 1083-a of Carroll's Kentucky statutes is amended by striking from the eighteenth line thereof the words "constable or", which words now appear in the proviso of the said subsection immediately following the words "provided, however, that in no event shall any", and immediately preceding the words "deputy constable for any month", and by striking from the twentieth and twenty-first lines thereof the words "constable or", which words now appear in the proviso of the said subsection immediately following the words "deputy constable, pursuant to section (2)" and by adding to the said subsection the following:

"The constables elected in the counties in which this act is effective shall, in addition to the duties otherwise required of them by law, promptly attend the sessions of the justices' courts held in their respective districts, act as bailiffs of the said courts, preserve order in and near the court rooms, and perform such other services incident to the speedy and orderly administration of the court's business as may be required by the justice of the peace, and shall execute or cause the timely execution of, and shall supervise and expedite the execution

of the processes and orders of the justices' courts of their respective districts in particular, and of all the justices' courts of the county in general.

On or before the tenth day of each calendar month each constable shall report to the justice of the peace of the same district relative to the performance of the duties of office by himself and his deputies during the next preceding calendar month. Each monthly report shall contain, under the heading of court attendants, a statement showing the dates of the sessions of court attended by the constable and the number of hours he was in attendance upon each date. Each monthly report shall also contain, under the heading civil matters, a statement showing the total number of each kind of civil processes and orders received, the total number of each returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of criminal matters, a list of the names and addresses of all persons for whom warrants of arrest have been obtained by the constable and his deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, return unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the constable and his deputies for execution noting, the name and address of the person obtaining each warrant, the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his deputies without warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all the places for which search warrants have been obtained by the constable and his deputies; noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned

executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of other matters, a brief but adequate report upon all other acts of the constable and his deputies performed under authority, or under color of authority, of office. Each monthly report shall be subscribed and sworn to by the constable and such parts thereof as pertain to the acts of his deputies beyond his presence shall be deemed to be sworn to upon information and belief. Each said report shall be entered as a matter of record upon the records of his court by the justice of the peace, who shall cause attested copies therein to be promptly delivered to the county judge, the county attorney, and the attorney for the Commonwealth.

All Acts and parts of Acts in conflict herewith are, to the extent of such conflict, hereby repealed", so that when so amended and re-enacted the said subsection nine (9) of Section 1083-a shall read as follows: Each person hereafter elected or appointed and thereafter holding the office of constable in any of said districts shall be exclusively compensated for the performance of the duties of his office by salary in the sum of twenty-four hundred (\$2400.00) dollars per annum, which shall be paid in equal monthly installments out of the general fund of the county, and each deputy constable similarly appointed and thereafter holding the office of deputy constable, shall be similarly exclusively compensated for the performance of the duties of his office by salary in the sum of twenty-one hundred (\$2100.00) dollars per annum which shall be paid in equal monthly installments, provided, however, that in no event shall the amount paid to any deputy constable for any month exceed the amount paid into the general fund of said county by the said deputy constable, pursuant to section (2) (K. S. Section 1083-a-2) hereof, during the preceding month.

The constables elected in the counties in which this act is effective shall, in addition to the duties otherwise required of them by law, promptly attend the sessions of the justices'

courts held in their respective districts, act as bailiffs of the said courts, preserve order in and near the court rooms, and perform such other services incident to the speedy and orderly administration of the court's business as may be required by the justice of the peace, and shall execute or cause the timely execution of, and shall supervise and expedite the execution of the processes and orders of the justices' courts of their respective districts in particular, and of all the justices' courts of the county in general.

On or before the tenth day of each calendar month each constable shall report to the justice of the peace of the same district relative to the performance of the duties of office by himself and his deputies during the next preceding calendar month. Each monthly report shall contain, under the heading of court attendance, a statement showing the dates of the sessions of court attended by the constable and the number of hours he was in attendance upon each date. Each monthly report shall also contain, under the heading civil matters, a statement showing the total number of each kind of civil processes and orders received, the total number of each returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of criminal matters, a list of the names and addresses of all persons for whom warrants of arrest have been obtained by the constable and his deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the constable and his deputies for execution, noting the name and address of the person obtaining each warrant, the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his

deputies without warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all the places for which search warrants have been obtained by the constable and his deputies, noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned unexecuted, and not returned and not executed. Each monthly report shall also contain, under the heading of other matters, a brief but adequate report upon all other acts of the constable and his deputies performed under authority, or under color of authority of office. Each monthly report shall be subscribed and sworn to by the constable and such parts thereof as pertain to the acts of his deputies beyond his presence shall be deemed to be sworn to upon information and belief. Each said report shall be entered as a matter of record upon the records of this court by the justice of the peace, who shall cause attested copies thereof to be promptly delivered to the county judge, the county attorney, and the attorney for the Commonwealth.

The provisions of this act shall be retroactive and shall apply to the present official term of all constables and deputy constables in the said counties, now holding office at the time of the passage and approval hereof.

All acts and parts of acts in conflict herewith are, to the extent of such conflict, hereby repealed.

Any constable who wilfully fails and refuses to perform the duties herein above enumerated or who shall be guilty of misfeasance or malfeasance in office, shall be dealt with and punished in accordance with the provisions of Section 3748 of Carroll's Kentucky Statutes of 1922.

Senator Attkisson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Paul L. Sidebottom
Aubrey Barbour	Wm. H. Jones, Jr.	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Stanley B. Mayer	Ervine Turner
Leer Buckley	Strother Melton	E. T. Wesley
Dr. D. H. Bush	E. C. Moore	Otis White
Edwin C. Dawson	J. Lee Moore	O. C. Whitfield
Lee Gibson	Dr. R. C. Moss	B. M. Williams
Ralph Gilbert	Ray B. Moss	J. E. Wise
John M. Hall	James C. Rogers	
J. Joseph Hettinger	Ira W. See	

—34

Resolved that the title thereof be as aforesaid—

Senator Attkisson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House announcing that they had passed a bill which originated in the Senate entitled, viz:

S. B. 205. An Act providing for the escheat to the Commonwealth of bank deposits, other deposits, dividends, stocks,

bonds, moneys, credits, and all intangible personal property, and providing that all escheated property and the proceeds thereof shall be paid into the State Treasury and credited to the general expenditure fund.

With the following amendments thereto as proposed and adopted by the House, viz:

Amendment No. 1. Amend S. B. No. 205 in House on page 4, section 7, lines 2 and 3 by striking out the words "of the Franklin Circuit Court" and inserting in lieu thereof a comma and the words: "Franklin Circuit Court or court of competent jurisdiction in the county where the money was deposited."

Amendment No. 2. Amend S. B. No. 205 in House on page 3, section 5, lines 8 and 9 by striking out the words "in the state having a statewide circulation" and inserting in lieu thereof the words "in the county where the money was on deposit"

Senator Gilbert moved that the vote by which said bill was passed be reconsidered.

Said motion was unanimously agreed to.

Thereafter such reconsideration.

Senator Gilbert then moved that the Senate do now concur in the amendments to said bill as proposed and adopted by the House.

Said motion was agreed to.

Thereupon, said amendments were agreed to.

Said bill was then passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Ira W. See
Aubrey Barbour	H. Watt Hillman	Paul L. Sidebottom
H. Stanley Blake	Leo King	John A. Sugg, Jr.
Ollie J. Bowen	J. W. McDonald	Jos. P. Tackett
Leer Buckley	Stanley B. Mayer	J. E. Trager
Dr. D. H. Bush	Strother Melton	Ervine Turner
Edwin C. Dawson	E. C. Moore	E. T. Wesley
W. C. Farmer	J. Lee Moore	Otis White
Lee Gibson	Dr. R. C. Moss	O. C. Whitfield
Ralph Gilbert	Ray B. Moss	B. M. Williams
John M. Hall	James C. Rogers	—32

Resolved that the title thereof be as aforesaid.

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Senator Gilbert moved that the Senate do now recess until 7:15 o'clock, P. M.

Said motion was agreed to.

And then the Senate recessed.

NIGHT SESSION

The appointed hour having arrived, the President of the Senate resumed the Chair and called the Senate to order.

HOUSE MESSAGE

A message was received from the House announcing

that they had passed a bill which originated in the Senate of the following title, viz:

S. B. 90. An Act to amend "An Act authorizing the establishment of free public libraries in cities of the second and third classes," which was enacted at the regular session of the General Assembly of the Commonwealth of Kentucky held in the year 1902, and which was approved March 21, 1902, and which appears as Chapter 70 of the Acts of the General Assembly passed at said regular session of the year 1902, at pages 155 to 158 thereof, and which also appears as Section 3210b-1 of Carroll's Kentucky Statutes, Baldwin's Revision, published in the year 1936, as said Act may have been heretofore amended and for other purposes.

With the following amendments thereto as proposed and adopted by the House, viz:

Amendment No. 1. Amend S. B. No. 90 in House by striking out the word "shall" in line 111 on page 6 and substituting in lieu therefor the word "may"

Amendment No. 2. Amend S. B. No. 90 in House on page 8, section 3, lines 4, 5, 6, 7, 8, 9, 10, 11 and 12 by placing a period at the end of line 4, and by striking out all the words and figures in lines 5, 6, 7, 8, 9, 10, 11 and 12.

Amendment No. 3. Amend S. B. No. 90 in House on page 8, section 2, line 17 by striking out the word "not" in line 17 on page 8, section 2, after the word "shall" and before the word "have"

Senator Buckley moved that the Senate do now refuse to concur in said amendments to said bill as proposed and adopted by the House.

Said motion was agreed to.

Thereupon, the Senate refused to concur in the amendments as proposed and adopted by the House to said bill.

Ordered that the Chief Clerk report the action of the Senate to the House, and that he respectfully request the House to recede therefrom.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 311. An Act providing the manner, method and means of giving notice to the owner or owners of any garment or clothing or wearing apparel or household goods for the purpose of enforcing the common law lien for services or labor rendered by persons, firms, partnerships or corporations, engaged in and conducting a business of dry cleaning or pressing or dyeing or glazing or laundering or washing or altering or repairing or storing of any and all garments, clothing, wearing apparel or household goods and providing a sale of said articles not claimed after certain periods of time.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. This act shall be known as "*An Act providing a manner, means and method of given notice to enforce common law lien of cleaners, pressers, dyers, laundries, tailors and storers of all garments, clothing, wearing apparel and household goods.*"

§ 2. *Sale of garments, clothing, wearing apparel and household goods; for charges; after 90 days.* Any garment, clothing, wearing apparel or household goods remaining in the possession of a person, firm, partnership or corporation, on which cleaning or pressing or glazing or laundering or

washing or alterations or repairs have been made; or on which materials or supplies have been furnished for alterations or repairs; for a period of ninety days or more may be sold to pay the reasonable or agreed charges and costs of notifying the owners or owner. Provided that the person, firm, partnership or corporation to whom the charges are payable shall first notify the owner or owners of the time and place of sale. There is excepted herefrom all property that is to be placed in storage after any of the services or labors, mentioned herein are performed or rendered.

§ 3. *Storage: Sale of: After 12 Months.* All garments, clothing, wearing apparel or household goods having been placed in storage, or in which any of the services or labors mentioned in the preceding section of this act have been performed and then placed in storage and remaining in the possession of a person, firm, partnership or corporation without the reasonable or agreed charges having been paid for a period of 12 months, may be sold to pay said charges. Provided that the person, firm, partnership or corporation to whom the charges are payable, shall first notify the owner or owners thereof of the time and place of sale. Provided, however, that persons, firms, partnerships or corporations operating as warehouses or warehousemen under Kentucky Statutes 4768 to 4814c-3 inclusive shall be excluded from this Act.

§ 4. *Notice. What Is Notice under This Act, 15 Days before Sale.* The posting or mailing of a registered letter, with a return address marked thereon, addressed to the owner or owners, at their address given at the time of the delivery of the article or articles to a person, firm, partnership or corporation to render any of the services or labors as set out in this Act, stating the time and place of sale, shall constitute notice. Said notice shall be posted or mailed at least 15 days before the date of sale. The costs of posting or mailing said letter shall be added to the charges.

§ 5. *Proceeds of Sale—How Disposed of:* The person, firm, partnership or corporation to whom the charges are payable, shall from the proceeds of sale deduct the charges due plus the costs of notifying the owner and shall hold the overplus, if any, subject to the order of the owner and shall immediately thereafter mail to the owner thereof to his address, if known, a notice of the sale, the amount of overplus if any, due him, and at any time within 12 months, upon demand by the owner, pay to the owner said sums or overplus in his hands, if such overplus be unclaimed after 12 months it shall be paid into the State Treasury, and shall be held for a period of 2 years, subject to the order of the owner or his personal representative upon his or their satisfactory proof of rightful ownership.

§ 6. *Requirements to Comply with Act.* All persons, firms, partnerships or corporations taking advantage of this act must keep posted in a prominent place in their receiving office or offices at all times two notices which shall read as follows: All articles cleaned, pressed, glazed, laundered, washed, altered or repaired and not called for in 90 days will be sold to pay charges.

All articles stored and charges not having been paid for 12 months will be hold to pay charges.

§ 7. *Constitutionality.* If any section, subsection, paragraph, sentence, clause or phrase of this act is for any reason held to be unconstitutional or invalid, such holding shall not effect the validity of the remaining sections of this act.

Senator Hettinger moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Wm. H. Jones, Jr.	Paul L. Sidebottom
Aubrey Barbour	Leo King	John A. Sugg, Jr.
Paul M. Basham	J. W. McDonald	Jos. P. Tackett
H. Stanley Blake	Stanley B. Mayer	J. E. Trager
Ollie J. Bowen	Strother Melton	Thomas O. Turner
Waller A. Crockett	E. C. Moore	E. T. Wesley
Lee Gibson	J. Lee Moore	Otis White
John M. Hall	Dr. R. C. Moss	O. C. Whitfield
J. Joseph Hettinger	Ray B. Moss	B. M. Williams

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Resolved that the title thereof be as aforesaid—

Senator Hettinger moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 189. An Act repealing, amending and re-enacting Section 551, Kentucky Statutes, relating to corporations, their management and control, the election and qualifications of directors of corporations.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 551 Kentucky Statutes be repealed and re-enacted so that when so amended and re-enacted it will read as follows:

The affairs of each corporation shall be managed by a board of not less than three directors, each of whom shall own in his right not less than three shares of capital stock; they shall hold office until their successors are respectively elected and qualified, and a majority of them shall constitute a quorum for the transaction of business. All elections for directors shall be by ballot, and shall be held in this state; and, in the first instance, the directors shall be elected at a meeting held before the corporation is authorized to commence business, and thereafter at an annual meeting of the stockholders to be held on the day named in the by-laws, and which shall not be changed within sixty days next before the day on which the election is to be held, and notice of any change shall be given to each stockholder twenty days before the election is held; and if, for any cause, an election is not held on the day named in the by-laws, a special meeting for that purpose shall be called within thirty days thereafter, of which due notice shall be given to each stockholder, in person or by letter mailed to his last known address. A stockholder may vote at any meeting by proxy, in writing, signed by him, and attested in such manner as the by-laws may prescribe; and a vacancy in the board of directors shall be filled by the board; and the directors so appointed shall hold office until the next annual election, provided that if the directors are divided into classes in the manner set out herein, the directors so appointed shall hold office for the remainder of the term of the directors they are appointed to succeed. The directors of any corporation may, by a vote of the stockholders, be divided into one, two or three classes, the term of office of those of the first class to expire at the annual election next ensuing, of the second class one year thereafter, of the third class two years thereafter; and at each annual election held after such classification, directors shall be chosen for two or three years, as

the case may be, to succeed those whose terms expire. But each director of a banking, trust or insurance company, or building and loan association, must own in his own right five shares of capital stock, and a majority of them must be residents of Kentucky during their term of office: Provided, however, That in the case of an insurance company, such company may, by by-laws, require that each director own a greater number of shares of stock than five and may, by by-law, require that such qualifying shares be deposited with the treasurer of the company: Provided further, That the above-mentioned clause, declaring that all elections for directors shall be by ballot, and shall be held in this state, shall not apply to corporations created and organized for educational purposes only, and having no capital stock, and in which tuition to students is free.

Senator J. Lee Moore moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Aubrey Barbour	H. Stanley Blake	Lee Gibson
Paul M. Basham	Dr. D. H. Bush	John M. Hall

J. Joseph Hettinger	Dr. R. C. Moss	Otis White
Wm. H. Jones, Jr.	Ray B. Moss	O. C. Whitfield
J. W. McDonald	Ira W. See	B. M. Williams
Strother Melton	J. E. Trager	J. E. Wise
E. C. Moore	Thomas O. Turner	
J. Lee Moore	E. T. Wesley	—22

Resolved that the title thereof be as aforesaid—

Senator J. Lee Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 80. AN ACT relating to revenue and taxation; and repealing, amending and re-enacting Section One (1) Chapter Sixty-Nine (69) of the Acts of the General Assembly of the Commonwealth of Kentucky passed at the regular session of the General Assembly which was begun in the City of Frankfort, Kentucky, on Tuesday, January ninth (9), one thousand nine hundred and thirty-six, and ended on Saturday, February fifteen (15), one thousand nine hundred thirty-six, and entitled: "An Act relating to revenue and taxation; and repealing, amending and re-enacting Section One of Chapter Twenty (20) of the Acts of the General Assembly of the Commonwealth of Kentucky passed at the Extraordinary Session of the General Assembly which was begun in the City of Frankfort, Kentucky, on Wednesday, May ninth (9), one thousand nine hundred thirty-four (1934), and ending on Monday, July second (2), one thousand nine hundred and thirty-four (1934)."

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section One (1) of Chapter sixty-nine (69) of the Acts of the General Assembly of the Commonwealth of Kentucky passed at the Regular Session of the General Assembly which was begun in the City of Frankfort, Kentucky, on Tuesday, January seventh (7) and ended on Saturday, February fifteenth (15), One thousand nine hundred and thirty-six (1936) be repealed, amended and re-enacted so that when said Section is re-enacted it shall read as follows:

“That all motor vehicles, excluding such as are mentioned in sub-section c of Section two thousand seven hundred thirty-nine g-2 (2739g-2), Carroll’s Kentucky Statutes, one thousand nine hundred thirty (1930) Edition, and excluding motor vehicles engaged in hauling passengers for hire, are classified as trucks and the annual registration fee shall be as follows:

“Those having a capacity of one thousand pounds or less, ten (\$10.00) dollars; those having a capacity of more than one thousand pounds and up to two thousand pounds, twenty-two (\$22.00) dollars; those having a capacity of more than two thousand pounds and up to three thousand pounds forty (\$40.00) dollars; those having a capacity of more than three thousand pounds and up to four thousand pounds, fifty-two (\$52.00) dollars; those having a capacity of more than four thousand pounds and up to five thousand pounds, sixty-three (\$63.00) dollars; those having a capacity of more than five thousand pounds and up to six thousand pounds, seventy-one (\$71.00) dollars; those having a capacity of more than six thousand pounds and up to seven thousand pounds, ninety-three (\$93.00) dollars; those having a capacity of more than seven thousand pounds and up to eight thousand pounds, one hundred and twelve (\$112.00) dollars; those having a capacity of more than eight thousand pounds and up to nine thousand pounds, one hundred and thirty-eight (\$138.00) dollars; those having a capacity of more than nine thousand pounds and up

to ten thousand pounds, one hundred and eighty-seven (\$187.00) dollars; those having a capacity of more than ten thousand pounds, two hundred and thirty (\$230.00) dollars; and twenty-five (\$25.00) dollars for each additional ton or fraction of a ton in excess of ten thousand pounds. The applicant for license for a motor truck shall state in his application the capacity of the truck.

“Providing that any person who applies for the registration of a truck having a capacity of three thousand pounds or less, in addition to the requirements to secure registration for said truck, files with the county court clerk an affidavit stating that he is a farmer solely engaged in the production of crops, livestock or dairy products, and that he owns a truck of the capacity of three thousand pounds or less, and that he has caused to be printed upon each side of the bed of said truck the words “Farmer’s Truck”, in red letters not less than three (3) inches in height, and that said truck for the next twelve months shall not be used in the transportation of anything for hire but is to be used only in transporting persons, food provender, feed and machinery used in operating his said farm and the products grown upon said farm, and for no other purpose; then, in that event said person shall be permitted to register said truck and shall be charged therefor only four dollars and fifty cents (\$4.50).

“Providing that any person who applies for the registration of a truck used solely in the transporting, hauling and carrying school children or persons employed in said school or schools in the district shall file with the County Court Clerk an affidavit stating that the truck or trucks are engaged solely in the transporting, hauling or carrying of said school children and persons employed in said school or schools in said district or districts and that he has caused to be printed on each side of the bed of said truck and on the rear door or doors or part of the bed the words “School Bus” in letters of a color easily seen and sufficiently large and that said truck for the next twelve months shall not be used for any other pur-

pose except that stated; then, in that event said person or person or persons shall be permitted to register said truck and shall be charged therefor only four dollars and fifty cents (\$4.50).

All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 2. That if any proviso in this Act shall be held unconstitutional or invalid, it shall not affect any of the remaining part of said Section; that it is the intention of the General Assembly that the remaining part of said Section shall be held in full force and effect, regardless of any proviso contained herein.

Senator See offered the following amendment to said bill, viz:

Amend H. B. No. 80, page 3, line 62, by striking out the word "stated" and adding in lieu thereof the following: "Small motor vehicles carrying fifteen or less pupils from isolated rural sections and the Superintendent of Motor Transportation shall have authority to issue permits to high school boys over 18 for the transportation of small groups of school students, (not exceeding fifteen in number) from isolated rural sections when in his judgment the amount of such traffic and the road condition shall justify the issuance of such permits."

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the affirmative were—

Wm. H. Jones, Jr.	Ira W. See	B. M. Williams
Ray B. Moss	E. T. Wesley	—5

Those who voted in the negative were—

H. Stanley Blake	Dr. D. H. Bush	Lee Gibson
Ollie J. Bowen	Waller A. Crockett	John M. Hall

J. Joseph Hettinger	E. C. Moore	J. E. Trager
H. Watt Hillman	J. Lee Moore	Thomas O. Turner
Leo King	Dr. R. C. Moss	Otis White
Stanley B. Mayer	Paul L. Sidebottom	
Strother Melton	John A. Sugg, Jr.	—19

Whereupon, said amendment was disagreed to.

Senator R. C. Moss moved the Previous Question.

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Paul M. Basham	Leo King	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Stanley B. Mayer	Thomas O. Turner
Dr. D. H. Bush	Strother Melton	E. T. Wesley
Waller A. Crockett	E. C. Moore	Otis White
Lee Gibson	J. Lee Moore	O. C. Whitfield
John M. Hall	Dr. R. C. Moss	B. M. Williams
J. Joseph Hettinger	Ray B. Moss	J. E. Wise
H. Watt Hillman	Ira W. See	
Wm. H. Jones, Jr.	Paul L. Sidebottom	—28

Resolved that the tile thereof be as aforesaid.

Senator R. C. Moss moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House announcing that they had refused to recede from amendments heretofore proposed and adopted by the House to a bill which originated in the Senate entitled, viz:

S. B. No. 90. (For title and amendments see Journal of today, ante.)

And had appointed a Committee on Conference on the part of the House and respectfully requested the Senate to appoint a like Committee on the part of the Senate to meet with the Committee from the House to settle the difference between the two Houses.

Thereupon, the President of the Senate named Senators Melton, McDonald and Buckley as members constituting said Committee on Conference on the part of the Senate.

Ordered that said bill and amendments thereto be delivered to the Committee on Conference.

Senator Mayer moved that the rules be suspended and the privilege of the floor be extended to Mrs. Sadie Twyman Hubbard and Mrs. Francis Harris Farmer.

Said motion was unanimously agreed to.

Senator Tackett moved that the rules be suspended and the privilege of the floor be extended to Mr. F. P. Hall.

Said motion was unanimously agreed to.

Senator Ervine Turner moved that the rules be suspended and the privilege of the floor be extended to Mr. J. Curren Nickell of West Liberty, Kentucky, and Mr. J. E. Marselle of Louisville, Kentucky.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 116. An Act to amend Section 1243 Carroll's 1930 edition Kentucky Statutes by adding thereto the words "Provided that if the offense be committed within the corporate limits or the prosecution originated in the police court of any city or town within this Commonwealth the person convicted for the offense shall be confined in the city or town jail of the municipality in which the offense was committed and conviction had, if such a jail be maintained and kept by such municipality.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 1243 of Carroll's 1930 Edition of Kentucky Statutes be amended by adding thereto the words "Provided that if the offense be committed within the corporate limits or the prosecution originated in the police court of any city or town within this Commonwealth the person convicted for the offense shall be confined in the city or town jail of the municipality in which the offense was committed and conviction had, if such a jail be maintained and kept by such municipality" so that said Section when amended shall read as follows:

Section 1243. Petit Larceny.—Any person, except a female, who shall steal a hog of loss value than four dollars or

be guilty of the larceny of money, goods, chattels or other property of less value than twenty dollars (\$20.00) shall be punished by confinement in the county jail for not less than one nor more than twelve months; females convicted of petit larceny shall be confined in the county jail not more than thirty days and provided that if the offense be committed within the corporate limits or the prosecution originated in the police court of any city or town within this Commonwealth, the person convicted for the offense shall be confined in the city or town jail of the municipality in which the offense was committed and conviction had, if such a jail be maintained and kept by such municipality.

All laws or parts of laws in conflict herewith are hereby repealed.

Senator Buckley moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Paul M. Basham	Ollie J. Bowen
Aubrey Barbour	H. Stanley Blake	Leer Buckley

Dr. D. H. Bush	J. Lee Moore	J. E. Trager
John M. Hall	Dr. R. C. Moss	Ervine Turner
J. Joseph Hettinger	Ray B. Moss	E. T. Wesley
Wm. H. Jones, Jr.	James C. Rogers	Otis White
Leo King	Ira W. See	O. C. Whitfield
J. W. McDonald	Paul L. Sidebottom	B. M. Williams
Stanley B. Mayer	John A. Sugg, Jr.	J. E. Wise
Strother Melton	Jos. P. Tackett	—29

Those who voted in the negative were—

Waller A. Crockett Lee Gibson —2

Resolved that the title thereof be as aforesaid—

Senator Buckley moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 51. An Act to prohibit the Board of Education or Superintendent of Public Schools of any city within this Commonwealth from adopting any rules or regulations or having any rules, regulations, laws or policy in the restraint of marriage of any public school teacher who has had five (5) years or more teaching experience within the public schools of this Commonwealth, and declaring and carrying into effect the public policy of this State with respect to marriage.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That whereas the contract of marriage is one of the most important of all human transactions, and being the very basis

of the whole fabric of society; the marriage status and the freedom to enter into the contract of marriage is of vital interest to the public creating the most important relation in life.

That the Board of Education or the Superintendent of Public Schools of any city within this State shall be prohibited from having, adopting or making any rules, regulations, laws or policy in the restraint of marriage of any public school teacher who has had five (5) years or more teaching experience within the public schools of this State, and that marriage shall not be grounds for the dismissal of any public school teacher or the cancellation of any teachers' contract.

That all rules, regulations, laws or policies in conflict with this Act and the purpose thereof shall be of no effect; and it is hereby declared as the public policy of this State.

Senator Ray Moss moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading, of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Stanley Blake	Dr. D. H. Bush
Aubrey Barbour	Ollie J. Bowen	Edwin C. Dawson
Paul M. Basham	Leer Buckley	Lee Gibson

John M. Hall	E. C. Moore	Jos. P. Tackett
J. Joseph Hettinger	J. Lee Moore	J. E. Trager
H. Watt Hillman	Dr. R. C. Moss	Ervine Turner
Wm. H. Jones, Jr.	Ray B. Moss	E. T. Wesley
Leo King	James C. Rogers	Otis White
J. W. McDonald	Ira W. See	O. C. Whitfield
Stanley B. Mayer	Paul L. Sidebottom	B. M. Williams
Strother Melton	John A. Sugg, Jr.	J. E. Wise

—33

Resolved that the title thereof be as aforesaid—

Senator Ray Moss moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 243. An Act repealing and re-enacting Section four thousand two hundred and twenty-nine (4229) Kentucky Statutes relating to statement of premiums collected, amount of taxes thereon and time of payment by foreign insurance companies other than life.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section four thousand two hundred and twenty-nine (4229) of the Kentucky Statutes be and the same is hereby repealed, and the same is hereby re-enacted so that the same shall read as follows: to-wit—

Every insurance company, other than life insurance companies, not organized under the laws of this State, but doing business therein, shall, on or before the first day of March of

each year, return to the Director of Insurance, a statement under oath, of all direct premiums received in this State, or out of this State, for insurance on property or risks in this State during the year ending on the thirty-first day of December last preceding or since the last returns were made, including re-insurance on Kentucky risks from unauthorized companies, and shall give the name and location of, and the amount of premiums received by each agent, and the losses paid, and shall at the same time pay into the State Treasury a tax of two dollars (\$2.00) upon each one hundred dollars of said premiums so ascertained, less return premiums on cancelled policies and policies not taken.

This Act shall not be construed to supersede, modify, amend or repeal Section 4618-91 of the Kentucky Statutes (Reorganization Act).

Section 762b-4 is hereby repealed.

Senator Mayer moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ray B. Moss
Paul M. Basham	J. Joseph Hettinger	Paul L. Sidebottom
H. Stanley Blake	H. Watt Hillman	John A. Sugg, Jr.
Ollie J. Bowen	Leo King	Jos. P. Tackett
Dr. D. H. Bush	J. W. McDonald	J. E. Trager
Waller A. Crockett	Stanley B. Mayer	E. T. Wesley
Edwin C. Dawson	Strother Melton	Otis White
Lee Gibson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Dr. R. C. Moss	B. M. Williams

—27

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 238. An Act to amend and re-enact Section 1456 of the Kentucky Statutes, Carroll's 1936 edition, being Section 11, Article 3, of Chapter 65 of the Acts of the General Assembly of 1892, as amended by Section 1 of Chapter 37 of the Acts of the General Assembly of 1918, relating to and providing for the time of filing of certificates and petitions of nomination.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section one thousand four hundred fifty-six (1456) Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, being Section 11, Article 3 of Chap-

ter 65 of Acts of the General Assembly of 1892, as amended by Section 1 of Chapter 37 of the Acts of the General Assembly of 1918, be amended to read as follows:

Certificates of nomination filed with the Secretary of State shall be filed not more than seventy-five days and not less than forty-five days, before the day fixed by law, for the election of the person in nomination. Petitions of nomination filed with the Secretary of State shall be filed at least forty days before the first Saturday in August, preceding the day fixed by law, for the election of the person in nomination. Certificates of nomination herein directed to be filed with the Clerk of a County shall be filed not more than seventy-five and not less than forty-five days before election. Petitions of nomination herein directed to be filed with the Clerk of a County shall be filed at least thirty days before the first Saturday in August, preceding the day fixed by law, for the election of the person in nomination. Provided, that as to vacancies in offices to be filled at special elections held at times other than the regular November election, petitions of nomination filed with the Secretary of State or the Clerk of a County shall be filed not more than seventy-five days, nor less than forty-five days, before the day fixed for the election of the person in nomination.

Senator Sugg moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Jos. P. Tackett
Aubrey Barbour	Leo King	J. E. Trager
Paul M. Basham	J. W. McDonald	Ervine Turner
H. Stanley Blake	Strother Melton	Thomas O. Turner
Ollie J. Bowen	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	B. M. Williams
Ralph Gilbert	James C. Rogers	J. E. Wise
John M. Hall	Paul L. Sidebottom	
J. Joseph Hettinger	John A. Sugg, Jr.	

—31

Resolved that the title thereof be as aforesaid—

Senator Sugg moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 241. An Act repealing and re-enacting Section seven hundred sixty-two b-five (762b-5) Kentucky Statutes relative to providing funds for the administration of the Act of one thousand nine hundred and twenty (1920) Chapter sixteen (16) pertaining to Fire Marshals and Superintendents of Fire Insurance Rates.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section seven hundred sixty-two b-five (762b-5) of the Kentucky Statutes be and the same is hereby repealed and same is re-enacted as follows, to-wit:

Every foreign insurance company affected by this act and doing business in the State during the preceding calendar year shall pay to the Director of Insurance on or before the first day of March of each year, for the purpose of defraying the expenses as authorized by this act, one-half of one per cent of gross premiums so collected upon property or upon other risks or hazards in this Commonwealth during such year by all insurance companies affected by this act transacting business in this state, provided that in computing such gross receipts there shall be deducted premiums returned on policies cancelled or not taken. All moneys so collected shall be paid into the State Treasury.

This Act shall not be construed to supersede, modify, amend or repeal Section 4618-91 of the Kentucky Statutes (Reorganization Act), or House Bill Number One, 1938 Session of the General Assembly.

Senator Mayer moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill

in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ray B. Moss
Paul M. Basham	J. Joseph Hettinger	Paul L. Sidebottom
H. Stanley Blake	H. Watt Hillman	John A. Sugg, Jr.
Ollie J. Bowen	Leo King	Jos. P. Tackett
Dr. D. H. Bush	J. W. McDonald	J. E. Trager
Waller A. Crockett	Stanley B. Mayer	E. T. Wesley
Edwin C. Dawson	Strother Melton	Otis White
Lee Gibson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Dr. R. C. Moss	B. M. Williams

—27

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House announcing that they had passed a bill which originated in the Senate entitled, viz:

S. B. 201. An Act amending and re-enacting Section 4308-3, Carroll's Kentucky Statutes, 1936 Edition, being Section 3 of Chapter 5 of the Acts of the General Assembly of 1936, relating to the plans of the State Highway Commission and the fiscal courts for the use of the funds appropriated for county roads and bridges.

With the following amendment thereto as proposed and adopted by the House, viz:

Amend S. B. No. 201 in House, on page 2 of the printed bill, following line 25, by adding the following:

“The term, State Highway Commission, as used in this Act and the title thereto, shall be construed to mean, the Department of Highways.

Whereas, it is deemed important by the General Assembly that the provision of this Act be effective immediately to enable the Department of Highways to conform its budget and program for the ensuing fiscal year, an emergency hereby is declared to exist and this Act shall be effective immediately upon its passage and approval by the Governor.”

The message which was received from the House further announced that they had passed a bill which originated in the Senate entitled, viz:

S. B. 35. An Act to prevent the spread of venereal diseases through marriage and to provide for an antenuptial physical examination to determine the presence of venereal diseases and to provide a penalty for the violation of the provision of this Act.

With the following amendment thereto as proposed and adopted by the House, viz:

Amend S. B. No. 35 in House by adding the following thereto:

“This Act shall become effective on March 1, 1940.”

Senator McDonald moved that the vote by which said bill was passed be reconsidered.

Said motion was agreed to unanimously.

Thereafter such reconsideration.

Senator McDonald moved that the Senate do now concur

in said amendment to said bill as proposed and adopted by the House.

Said motion was agreed to.

Thereupon, said amendment to said bill as proposed and adopted by the House was agreed to.

Said bill was then passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Aubrey Barbour	H. Watt Hillman	Ira W. See
Paul M. Basham	Wm. H. Jones, Jr.	Paul L. Sidebottom
H. Stanley Blake	Leo King	John A. Sugg, Jr.
Ollie J. Bowen	J. W. McDonald	Jos. P. Tackett
Leer Buckley	Stanley B. Mayer	J. E. Trager
Dr. D. H. Bush	Strother Melton	E. T. Wesley
Edwin C. Dawson	E. C. Moore	Otis White
Lee Gibson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Dr. R. C. Moss	B. M. Williams
John M. Hall	Ray B. Moss	
J. Joseph Hettinger	James C. Rogers	

—31

Resolved that the title thereof be as aforesaid.

Senator McDonald moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration a bill which originated in the Senate

and which had previously been reported by the House of the following title, viz:

S. B. 201. (For title see Journal of today, ante.)

With the following amendment thereto as proposed and adopted by the House, viz:

(For amendment see Journal of today, ante.)

Senator Ervine Turner moved that the vote by which said bill was passed be reconsidered.

Said motion was unanimously agreed to.

Thereafter such reconsideration.

Senator Ervine Turner then moved that the Senate do now concur in said amendment to said bill as proposed and adopted by the House.

Said motion was agreed to.

Thereupon, said amendment to said bill as proposed and adopted by the House was agreed to.

Said bill was then passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leer Buckley	Ralph Gilbert
Aubrey Barbour	Dr. D. H. Bush	John M. Hall
Paul M. Basham	Edwin C. Dawson	J. Joseph Hettinger
H. Stanley Blake	W. C. Farmer	H. Watt Hillman
Ollie J. Bowen	Lee Gibson	Leo King

J. W. McDonald	James C. Rogers	Thomas O. Turner
Stanley B. Mayer	Ira W. See	E. T. Wesley
Strother Melton	Paul L. Sidebottom	Otis White
E. C. Moore	John A. Sugg, Jr.	O. C. Whitfield
J. Lee Moore	Jos. P. Tackett	B. M. Williams
Dr. R. C. Moss	J. E. Trager	
Ray B. Moss	Ervine Turner	

—34

Senator Ervine Turner moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Senator E. C. Moore moved that the rules be suspended and the privilege of the floor be extended to Mrs. H. A. Richardson, Miss Elizabeth Thompson and Mr. C. W. Alcock of Danville, Kentucky.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 213. An Act to repeal, amend and re-enact Section 979b-5 Carroll's Kentucky Statutes, 1936 edition, and being a part of the Acts of the General Assembly of 1936 regular session, and part of Chapter 30 of said Acts relating to probation and postponement of rendition of judgment in cases tried in the Circuit Courts and the quarterly courts of this commonwealth.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 979b-5 of Carroll's Kentucky Statutes 1936

edition, and part of Chapter 30 of the Acts of 1936 be and the same is hereby repealed, amended and re-enacted so when re-enacted said section shall read as follows:

“Any Circuit Court or quarterly court of this Commonwealth, subject to the provisions and conditions hereinafter imposed and provided, may postpone the entering of judgment and the imposing of sentence and probate any person arraigned before it charged with crime. The court shall have no power to postpone the entering of judgment or the imposing of sentence on any person who has been found guilty by verdict of the jury and whose punishment is fixed by the jury at life imprisonment or death. Except in the cases next hereinabove provided, the aforesaid courts, after a plea of guilty or after the returning of a verdict of guilty by the jury, may postpone the entering of such judgment and the sentencing of such defendant and place the defendant on probation, or may impose a fine and also place the defendant on probation.”

Senator Bowen moved the Previous Question.

Whereupon, the President of the Senate announced, “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Ira W. See
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
Ollie J. Bowen	J. W. McDonald	J. E. Trager
Leer Buckley	Stanley B. Mayer	Ervine Turner
Dr. D. H. Bush	Strother Melton	Thomas O. Turner
Edwin C. Dawson	J. Lee Moore	E. T. Wesley
Lee Gibson	Dr. R. C. Moss	Otis White
Ralph Gilbert	Ray B. Moss	O. C. Whitfield
John M. Hall	James C. Rogers	B. M. Williams

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There voted in the negative—

H. Stanley Blake

—1

Resolved that the title thereof be as aforesaid—

Senator Bowen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 114. An Act to define, regulate and license real estate brokers and real estate salesmen in cities of the first and second class, and within five miles from the corporate limits thereof; to create a state real estate commission; and to provide a penalty for a violation of the provisions thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. On and after the effective date of this Act it

shall be unlawful for any person, copartnership, association or corporation, to act as a real estate broker or real estate salesman or to advertise or assume to act as such real estate broker or real estate salesman, in any city of the first and second class, and within five miles from the corporate limits thereof, without a license issued by the Kentucky State Real Estate Commission.

No copartnership, association, or corporation, shall be granted a license, unless every member or officer of such copartnership, association or corporation, who actively participates in the brokerage business of such copartnership, association or corporation, shall hold a license as a real estate broker, and unless every employee who acts as a salesman for such copartnership, association or corporation shall hold a license as a real estate salesman.

§ 2. Wherever used in this Act unless the context requires otherwise,

A real estate broker within the meaning of this Act is any person, firm, partnership, copartnership association or corporation, who for a compensation or valuable consideration sells or offers for sale, buys or offers to buy, or negotiates the purchase or sale or exchange of real estate, or who leases or offers to least, or rents or offers for rent, any real estate or the improvements thereon for others, as a whole or partial vocation. The term "real estate" as used in this Act shall include leaseholds and other interests less than leaseholds.

A real estate salesman within the meaning of this Act is any person who for a compensation or valuable consideration is employed either directly or indirectly by a real estate broker, to sell or offer to sell, or to buy or offer to buy, or to negotiate the purchase or sale or exchange of real estate, or to lease, to rent or offer for rent any real estate, or to negotiate leases thereof, or of the improvements thereon, as a whole or partial vocation.

One act for a compensation or valuable consideration of

buying or selling real estate of or for another, or offering for another to buy or sell, or exchange real estate, or leasing, or renting, or offering to rent real estate, except as herein specifically excepted, shall constitute the person, firm, partnership, copartnership, association or corporation, performing, offering, or attempting to perform any of the acts enumerated herein, a real estate broker or a real estate salesman within the meaning of this Act.

The provisions of this Act shall not apply to any person, copartnership, association or corporation, who as owner or lessor shall perform any of the Acts aforesaid with reference to property owned or leased by them, or to the regular employees thereof, with respect to the property so owned or leased, where such acts are performed in the regular course of, or as an incident to, the management of such property and the investment therein, nor shall the provisions of the Act apply to persons acting as attorney-in-fact under a duly executed power of attorney from the owner authorizing the final consummation by performance of any contract for the sale, leasing, or exchange of real estate, nor shall this Act be construed to include in any way the services rendered by an attorney-at-law in the performance of his duties as such attorney-at-law; nor shall it be held to include, while acting as such, a receiver, trustee in bankruptcy, administrator or executor, or any person selling real estate under order of any court, nor to include a trustee acting under a trust agreement, deed or trust, or will, or the regular salaried employees thereof.

§ 3. There is hereby created the State Real Estate Commission. The Governor shall appoint three persons, each of whom, immediately prior to the date of his appointment, has been a resident of the State and of a City of the first and second class and within five miles from the corporate limits thereof for five years and whose vocation for a period of at least ten years shall have been that of a real estate broker or a real estate salesman; one member shall be appointed for a

term of one year; one member shall be appointed for a term of two years; one member for a term of three years; and until their successors are appointed and qualify, thereafter the term of the members of said Commission shall be for three years and until their successors are appointed and qualify. Members to fill vacancies shall be appointed for the unexpired term. The Commission immediately upon the qualification of the member appointed in each year shall organize by selecting from its members a chairman, and may do all things necessary and convenient for carrying into effect the provisions of this Act and may from time to time promulgate necessary rules and regulations.

Each member of the Commission shall receive as full compensation for each day actually spent on the work of said Commission the sum of \$10.00 per day and his actual and necessary expenses incurred in the performance of duties pertaining to his office.

The Commission shall employ, and at its pleasure discharge a secretary and such clerks and assistants as shall be deemed necessary to discharge the duties imposed by the provisions of this Act, and shall outline their duties, and fix their compensation, subject to the general laws of the State. The Commission shall obtain such office space, furniture, stationery, fuel, light, and other proper conveniences as shall be reasonably necessary for carrying out the provisions of this Act.

The Commission shall adopt a seal with such design as the Commission may prescribe engraved thereon, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the Commission, duly certified and authenticated by the seal of said Commission shall be received in evidence in all courts equally and with like effect as the original. All records kept in the office of the Commission under authority of this Act shall be open to public inspection under such rules and regulations as shall be prescribed by the Commission.

All fees and charges collected by the Commission under the provisions of this Act shall be paid into the general fund in the State Treasury. All expenses incurred by the Commission under the provisions of this Act, including compensations to members, secretaries, clerks and assistants, shall be paid out of the general fund in the State Treasury upon warrants of the Auditor of Public Accounts and/or Director of Finance as warrants generally are required to be drawn by the Statutes governing such respective offices from time to time, when vouchers therefor are exhibited and approved by the Commission; Provided, that the total expense for every purpose incurred shall not exceed the total fees, charges, fines, and penalties imposed under the provisions of this Act, and paid into the State Treasury.

§ 4. Every applicant for a real estate brokers' license shall apply therefor in writing upon blanks prepared or furnished by the Real Estate Commission.

Every applicant for a broker's license shall state the name of the person, firm, partnership, copartnership, association or corporation with which he will be associated in the business of real estate, and the location of the place, or places, for which said license is desired, and set forth the period of time, if any, which said applicant has been engaged in the real estate business.

Every applicant for a license shall furnish a sworn statement setting forth his present address, both of business and residence.

Every applicant for a salesman's license shall in addition to the requirements of this Section also set forth the name and place of business of the present firm, partnership, copartnership, association or corporation then employing him or into whose service he is about to enter.

Each application shall state whether or not the applicant has ever therefore had any license provided for by this Act and issued to him revoked or suspended.

Every application for a license, under the provisions of

this Act, shall be accompanied by the license fee herein prescribed. In the event that the Commission does not issue the license, the fee shall be returned to the applicant.

Every application for a license shall be accompanied by a bond in the sum of One Thousand Dollars (\$1000.00) running to the State of Kentucky, executed by two (2) good and sufficient surties to be approved by the Commission or executed by a surety company duly authorized to do business in this State. Said bond to be in form approved by the Commission, and conditioned that the applicant shall conduct his business in accordance with the requirements of this Act.

The Commission is expressly vested with the power and authority to make and enforce any and all such reasonable rules and regulations connected with the application for any license as shall be deemed necessary to administer and enforce the provisions of this Act.

§ 5. The Commission shall issue to each licensee a license in such form and size as shall be prescribed by the Commission. This license shall show the name and address of the licensee and in case of a real estate salesman's license, shall show the name of the real estate broker by whom he is employed. Each license shall have imprinted thereon the seal of the Commission, and in addition to the foregoing shall contain such matter as shall be prescribed by the Commission. The license of each real estate salesman shall be delivered or mailed to the real estate broker by whom such real estate salesman is employed and shall be kept in the custody and control of such broker. It shall be the duty of each real estate broker to conspicuously display his license in his place of business.

The Commission shall prepare and deliver to each licensee a pocket card, which card among other things shall contain an imprint of the seal of the Commission and shall certify that the person whose name appears thereon is a licensed real estate broker or real estate salesman, as the

case may be, and if it is a real estate salesman's card it shall also contain the name and address of his employer. The matter to be printed on such pocket card, except as above set forth, shall be prescribed by the Commission.

The original fee for each real estate broker's license shall be Ten Dollars (\$10.00), and for the annual renewal fee shall be Five Dollars (\$5.00). The original fee for each real estate salesman's license shall be Two Dollars (\$2.00) and for the annual renewal fee shall be One Dollar (\$1.00). Provided, that when a copartnership, association or corporation shall have paid an original fee of Ten Dollars (\$10.00) or a renewal fee of Five Dollars (\$5.00) and shall have designated one of its members or officers as hereinafter provided in this section, the fees payable by any other member or officer actively engaged in the real estate business of such copartnership, association or corporation shall be Two Dollars (\$2.00) for the first registration fee and One Dollar (\$1.00) for the renewal fee, for which a salesman's license shall be issued, but any such member or officer shall be entitled to a broker's license upon the payment of the usual fee therefor.

When a real estate broker's license is granted to any copartnership or association, consisting of more than one person, or to any corporation, this shall entitle the copartnership, association or corporation to designate one of its members or officers, who upon compliance with the terms of this Act shall, without payment of any further fee, upon issuance of said broker's license, be entitled to perform all of the acts of a real estate salesman contemplated by this Act. The person so designated however must make application for a salesman's license, which application shall accompany the application of the real estate broker, and be filed with the Commission, at the same time. If, in any case the person so designated by a real estate broker shall be refused a license by the Commission, or in case such persons ceases to be connected with such real estate broker, said broker shall have the

right to designate another person who shall make application as in the first instance.

Each real estate broker's license which may be granted to an individual shall entitle such individual to perform all of the acts contemplated by this Act without any application upon his part and without payment of any fee other than the real estate broker's annual fee.

Every license shall expire on the thirtieth day of June of each year. The Commission shall issue a new license for each ensuing year, in the absence of any reason or condition which might warrant the refusal of the granting of a license, upon receipt of the written request of the applicant and the annual fee therefor, as herein required. The revocation of a broker's license shall automatically suspend every real estate salesman's license granted to any person by virtue of his employment by the broker whose license has been revoked, pending a change of employer and the issuance of a new license. Such new license shall be issued without charge, if granted during the same year in which original license was granted.

No person, co-partnership or corporation engaged in the business of acting in the capacity of a real estate broker or a real estate salesman within any city of the first and/or second class, and within five miles from the corporate limits thereof, of this State shall bring or maintain any action in the Courts of this State for the collection of compensation for any services performed as a real estate broker or salesman without alleging and providing that such person, co-partnership or corporation was duly licensed real estate broker or real estate salesman at the time the alleged cause of action arose.

Notice in writing shall be given to the Commission by each licensee of any change of principal business location whereupon the Commission shall issue a new license for the unexpired period without charge. The change of business location without notification to the Commission shall automatically cancel the license theretofore issued.

When any real estate salesman shall be discharged or

shall terminate his employment with the real estate broker by whom he is employed, it shall be the duty of such real estate broker to immediately deliver or mail by registered mail to the Commission such real estate salesman's license. The real estate broker shall at the time of mailing such real estate salesman's license to the Commission address a communication to the last known residence address of such real estate salesman, which communication shall advise such real estate salesman that his license has been delivered or mailed to the Commission. A copy of such communication to the real estate salesman shall accompany the license when mailed or delivered to the Commission. It shall be unlawful for any real estate salesman to perform any of the acts contemplated by this Act either directly or indirectly under authority of said license from and after the date of receipt of the said license from said broker by the Commission; Provided, that another license shall not be issued to such real estate salesman until he shall return his former pocket card to the Commission or shall satisfactorily account to it for the same. Provided, further, that not more than one license shall be issued to any real estate salesman for the same period of time.

§ 6. The Commission may upon its own motion and shall upon the verified complaint in writing of any person, provided such complaint, or such complaint together with evidence, documentary or otherwise, presented in connection therewith, shall make out a prima facie case, investigate the actions of any real estate broker or real estate salesman, or any person who shall assume to act in either such capacity within this State, and shall have the power to suspend or to revoke any license issued under the provisions of this Act, at any time where the licensee has by false or fraudulent representation obtained a license, or where the licensee in performing or attempting to perform any of the acts mentioned herein, is deemed to be guilty of:

(a) Making any substantial misrepresentation, or

(b) Making any false promises of a character likely to influence, persuade or induce, or

(c) Pursuing a continued and flagrant course of misrepresentation, or making of false promises through agents or salesmen or advertising or otherwise, or

(d) Acting for more than one party in a transaction without the knowledge of all parties for whom he acts, or

(e) Accepting a commission or valuable consideration as a real estate salesman for the performance of any of the acts specified in this Act, from any person, except his employer, who must be a licensed real estate broker, or

(f) Representing or attempting to represent a real estate broker other than the employer, with the express knowledge and consent of the employer, or

(g) Failing, within a reasonable time, to account for or remit any moneys coming into his possession which belongs to others, or

(h) Paying a commission or valuable consideration to any person for acts or services performed in violation of this Act, or

(i) Using the term "Realtor" by one not a member of the National Association of Real Estate Boards, or

(j) Any other conduct, whether of the same or a different character from that hereinbefore specified, which constitutes improper, fraudulent or dishonest dealings.

Any unlawful act or violation of any of the provisions of this Act by any real estate salesman, employee or partner or associate of a licensed real estate broker, shall not be cause for the revocation of a license of any real estate broker, partial or otherwise, unless it shall appear to the satisfaction of the Commission that said employer, partner or associate had guilty knowledge thereof.

Any person who shall have had any license issued to him under the provisions of this Act revoked as herein provided, shall not be granted any like or other license authorized

under the provisions of this Act for a period of five years from the date of such revocation.

§ 7. The Commission shall before denying an application for license or before suspending or revoking any license set the matter down for a hearing and at least twenty days prior to the date set for the hearing it shall notify the applicant or licensee in writing, which said notice shall contain an exact statement of the charges made and the date and place of the hearing. The applicant or licensee in all such hearings shall have the opportunity to be heard in person and by counsel in reference thereto. Such written notice may be served by delivery of same personally to the applicant or licensee or by mailing same by registered mail to the last known business address of such applicant or licensee. If such applicant or licensee be a salesman the commission shall also notify the broker employing him or in whose employ he is about to enter by mailing notice by registered mail to the broker's last known business address. The hearing on such charges shall be at such time and place as the commission shall prescribe.

In the preparation and conduct of hearing the Commission shall have power to require by subpoena the attendance and testimony of witnesses and the production of papers, and any member of the Commission may sign subpoena, administer oaths and affirmations, examine witnesses and receive evidence, the fees and mileage shall be the same as prescribed by law in judicial procedure in the Courts of this State in civil cases. Any party to any hearing before the Commission shall have the right to the attendance of witnesses in his behalf at such a hearing upon making a request thereof to the commission and designating the person or persons sought to be subpoenaed.

In case of disobedience to a subpoena any member of the Commission may invoke the aid of any Court of competent jurisdiction in requiring the attendance and testimony of witnesses and the production of papers; and such Court may issue an order requiring the persons to appear before the Com-

mission and give evidence or to produce papers as the case may be; and any failure to obey such order of the Court may be punished by the Court as contempt thereof.

Testimony may be taken by deposition as in civil cases, and any person may be compelled to appear and depose in the same manner as witnesses may be compelled to appear and testify as hereinbefore provided.

Any person who shall neglect or refuse to attend and testify or to answer any lawful inquiry or to produce documentary evidence if in his power to do so in obedience to a subpoena of lawful requirement by such Commission or member thereof shall be guilty of a misdemeanor and upon conviction thereof by a Court of competent jurisdiction shall be punished as provided in this Act.

If the Commission shall determine that any applicant is not entitled to receive a license, a license shall not be granted to such applicant, and if the Commission shall determine that any licensee is guilty of a violation of any of the provisions of this Act, the license shall be suspended or revoked. The Commission upon request of the applicant or licensee, shall furnish said applicant or licensee with a definite statement of its finding of facts and its reason or reasons for refusing to grant the license or for suspension of the rights of the licensee, or for the revocation of the license, as the case may be. The findings of fact made by the Commission acting within its powers shall, in the absence of fraud, be conclusive.

Any party aggrieved by the action of the Commission in refusing to grant a license or in suspending or revoking a license may, within ten days, after the entry of such order or refusal, revocation or suspension, file in the office of the Clerk of the Circuit Court of the county wherein is situated the city of the first class and/or second class in which the action of the Commission is applicable, an attested copy of the proceedings before the Commission, provided he shall first post a bond to secure the costs of the action in such sum as may be approved by the Clerk of the Circuit Court, with

good and solvent surety. The Commission shall be a necessary party to all such appeals. The Circuit Court Clerk shall thereupon docket the case as though it were a petition in equity and shall immediately issue a summons for such Commission, and said summons shall be returned in the same manner as are summonses in equity cases. No formal pleadings shall be required in such appeals but the case shall be set down by the Court for as early a date as possible for a hearing, and after such hearing the Court shall enter a judgment sustaining or setting aside the order of the Commission. Either party may appeal to the Court of Appeals from the judgment of the Circuit Court in the same manner as an appeal can be taken from a judgment in equity cases.

§ 8. A non-resident of this State may become a real estate broker or a real estate salesman in any city of the first class and/or city of the second class, and within five miles from the corporate limits thereof, by conforming to all the conditions of this paragraph and this Act.

In its discretion the Commission may recognize in lieu of the statements required to accompany an application for license, the license issued to a non-resident broker, or salesman in such other State, upon payment of the license fee and the filing by the applicant with the Commission of a certified copy of applicant's license issued by such other State.

(a) Provided that such applicant, if a broker, shall maintain an active place of business in the State by which he is originally licensed; and

(b) Provided further that every non-resident applicant shall file an irrevocable consent that suits and actions may be commenced against such applicant in the proper court of any county of this State in which a cause of action may arise in which the plaintiff may reside, by the service of any process or pleading authorized by the laws of this State on the Secretary of the Commission, said consent stipulating and agreeing that such service of such process or pleadings on said Secretary shall be taken and held in all Courts to be as valid and

binding as if due service had been made upon said applicant in the State of Kentucky. Said instrument containing such consent shall be authenticated by the seal thereof, if a corporation, or by the acknowledged signature of a member or officer thereof, if otherwise. All such applications, except from individuals, shall be accompanied by the duly certified copy of the resolution of the proper officers or managing board, authorizing the proper officer to execute the same. In case any process or pleadings mentioned in the case are served upon the Secretary of the Commission, it shall be by duplicate copies, one of which shall be filed in the office of the Commission and the other immediately forwarded by registered mail to the main office of the applicant against which said process or pleadings are directed.

(c) Provided, further, however, that every non-resident of this State shall file a bond in form and content the same as is required of applicant's under Section 4, in this Act.

§ 9. The Commission shall at least semi-annually publish a list of the names and addresses of all licensees licensed by it under the provision of this Act, and of all persons whose license has been suspended or revoked within one (1) year; together with such other information relative to the enforcement of the provisions of this Act as it may deem of interest to the public. One of such lists shall be mailed to the County Clerk in each County of the State wherein is located a city of the first and second class, and within five miles from the corporate limits thereof; and shall be held by said County Clerk as a public record. Such lists shall also be mailed by the Commission to any person in this State upon request.

§ 10. Any person or corporation violating a provision of this Act shall upon conviction be punished by a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00), within the discretion of the Court. Any officer or agent of a corporation, or member or agent of a copartnership or association, who shall personally participate in or be accessory to any violation of this Act, by such co-

partnership, association, or corporation, shall be subject to the penalties herein prescribed for individuals.

§ 11. If any section, subsection, sentence, clause phrase or requirement of this Act is for any reason held to be unconstitutional, such decision shall not effect the validity of the remaining portions thereof. The Legislature hereby declared that it would have passed this Act and each section, subsection, sentence, clause, phrase and requirement thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or requirements be declared unconstitutional.

§ 12. Nothing in this Act contained shall affect the power of cities of the first class and/or second class to tax, license and regulate real estate brokers. The requirements hereof shall be in addition to the requirements of any existing or future ordinances of any such city so taxing, licensing, or regulating real estate brokers.

§ 13. It is the intention of this Act that the provisions hereof shall in no way nor manner by specific relation thereto or by implication thereof, or otherwise affect, amend or repeal any of the provisions of the Re-Organization Act of 1936 (Act of the First Extraordinary Session of 1936), and the purposes, provisions and intentions of the Act shall be under the direct supervision, control and regulation of the Department of Business and Professional Regulations, as prescribed by the Re-Organization Act of 1936 (Act of the First Extraordinary Session of 1936).

Senator Mayer moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Wm. H. Jones, Jr.	Paul L. Sidebottom
Aubrey Barbour	Leo King	Jos. P. Tackett
Leer Buckley	Stanley B. Mayer	J. E. Trager
Lee Gibson	Strother Melton	E. T. Wesley
John M. Hall	Ray B. Moss	Otis White
J. Joseph Hettinger	James C. Rogers	O. C. Whitfield

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Those who voted in the negative were—

Paul M. Basham	H. Watt Hillman	Ervine Turner
Stanley H. Blake	Ira W. See	
Ralph Gilbert	John A. Sugg, Jr.	

—7

Resolved that the title thereof be as aforesaid—

Senator Mayer moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 343. An Act to enable cities of the second class to purchase, establish, erect, acquire, maintain and operate Municipal Hospitals through the sale of Revenue Bonds,

which bonds shall be payable solely through the revenue derived from the operation of such Municipal Hospital; and providing for the creation of a board to manage said Municipal Hospital.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That cities of the second class are hereby authorized and empowered to purchase, establish, erect, acquire, maintain and operate municipal hospitals, and other necessary appurtenances thereto, within or without the corporate limits of such cities under the provisions of this Act, for the purpose of supplying the cities and the inhabitants thereof with modern and sanitary hospital facilities.

§ 2. Provided, however, that before any such city shall be authorized and empowered to purchase, establish, erect, acquire, maintain or operate a municipal hospital, the legislative body of such city shall pass an ordinance declaring it desirable that such be done, and shall prepare, cause to be prepared, an estimate of the probable cost of such municipal hospital; and provided further that if a petition signed by a number of legal voters of the city equal to twenty-five per cent of the total number of votes cast in the city in the last regular election is filed within ten days after the passage of the ordinance asking that the question of the approval of the ordinance be submitted to a vote of the people, the question of whether or not revenue bonds shall be issued to provide for the payment of the cost thereof shall be submitted to the qualified voters of such municipality at the next regular election to be held therein. The Mayor of the municipality shall if a petition provided for herein has been filed certified the ordinance to the County Court Clerk, who shall, on the ballots provided for use in the municipality which it is proposed to purchase, establish, erect, acquire, maintain or operate such municipal hospital and issue revenue bonds for the payment

of the cost thereof, have printed thereon the question: "Are you in favor of the purchasing, establishing, erecting, acquiring, maintaining and operating a municipal hospital in accordance with the estimate of cost adopted by the City of (here insert name of city) and the incurring of indebtedness by the issuance of revenue bonds in the amount of \$ (here insert total face amounts of bonds estimated by the legislative body of the city to be necessary to pay the cost of such municipal hospital, based upon the estimate hereinabove provided)." And opposite the question he shall print "Yes" and "No", with the proper squares for stamping the cross mark to indicate preference. Provided, further, that the Mayor of such municipality shall advertise such election and the object thereof for at least seven (7) days before the date of such election in the newspaper having the largest circulation in the city or by handbills posted up at not less than four conspicuous places in each voting precinct in the municipality and at the door of the city hall. All legal voters of such municipality shall be privileged to vote at such election. The city shall have no authority to purchase, establish, erect, acquire, maintain or operate a municipal hospital or to issue revenue bonds unless a majority of all the qualified voters voting at the election vote in favor thereof if an election shall have been called for by petition as herein provided for. Before the issuance of revenue bonds the legislative body of such city shall select the location of said municipal hospital and shall prepare or cause to be prepared the necessary plans and specifications, and take all steps necessary in its judgment of the acquisition of the land and rights of way of all lands, constructions, rights of way, franchises, and easements, the acquisition of which may be necessary for the construction of said municipal hospital.

§ 3. For the purpose of defraying the cost of purchasing, establishing, erecting, and acquiring any such municipal hospital and necessary appurtenances thereto, any such city may borrow money and issue negotiable bonds, provided no

such bonds shall be issued unless and until authorized by the election as provided in this Act. If such election is called for by petition as herein provided for, and by an ordinance specifying the proposed undertaking, the amount of bonds to be issued, and the maximum rate of interest such bonds are to bear, which shall not be more than six (6) per cent per annum. Such ordinance shall further provide that the proposed municipal hospital, with necessary appurtenances thereto, is to be purchased, established, erected or acquired pursuant to the provisions of this act.

§ 4. All bonds under the provisions of this Act may be issued bearing interest at the rate not exceeding six (6) per cent per annum, payable semi-annually, and shall be executed in such manner and be payable at such times, not exceeding thirty (30) years from the date thereof, and at such place or places as the legislative body shall determine.

§ 5. Any and all such bonds shall have and are hereby declared to have in the hands of bona fide holders all the qualities of negotiable instruments under the law merchant, and shall not be subject to taxation. If the officers whose signatures or counter-signatures appearing on the bonds or coupons shall cease to be such officers before delivery of such bonds, the signatures or counter-signatures shall nevertheless be valid and sufficient for all purposes the same as if they had remained in office until such delivery. Such bonds shall be sold in such manner and upon such terms as the legislative body of the city shall deem for the best interests of such city, or any contract for the purchase or acquisition of any municipal hospital may provide that payment thereof shall be made in such bonds. In no event shall any bonds be negotiated on a basis to yield more than six per cent. Such bonds when issued shall be payable solely from the revenue funds derived from the operation of such municipal hospital as provided in Section 9 hereof, and shall not constitute an indebtedness of such city within the meaning of the constitutional provisions and limitations. It shall be plainly stated on the face of each

bond that same has been issued under the provisions of this Act and does not constitute an indebtedness of such city within the meaning of any constitutional provisions or limitations.

§ 6. All moneys received from any bonds issued pursuant hereto shall be applied solely to the purchase, establishment, erection, or acquisition of such municipal hospital and necessary appurtenances thereto, provided such moneys may be used also to advance the payment of interest on bonds during the first three years following the date of such bonds. And provided further, that the expenses of operation and maintenance for one month after the opening of the hospital may be advanced from these funds. There shall be and there is hereby created a statutory mortgage lien upon the municipal hospital and appurtenances thereto so acquired, to and in favor of the holders of said bonds and each of them and to and in favor of the holders of the coupons of said bonds.

§ 7. The municipal hospital, together with appurtenances thereto, so purchased, established, erected, or acquired, shall remain subject to such statutory liens until the payment in full of the principal and interest of the bonds. Any holder of said bonds or of the coupons may, either at law or in equity by suit, action, mandamus, or other proceedings, protect and enforce, the statutory mortgage lien hereby conferred and may by suit, action, mandamus, or other proceedings, enforce and compel performance of all duties required by this Act, including the making and collecting of sufficient rates, the segregation of the income and revenue, and the application thereof.

§ 8. If there be any default in the payment of the principal or interest of any of said bonds, any court having jurisdiction of the action may appoint a receiver to administer said municipal hospital on behalf of the city, with power to charge and collect rates for the services the hospital renders sufficient to provide for the payment of any bonds or obligations outstanding against said municipal hospital, and for payment of the operating expenses and to apply the income and rev-

enue in conformity with this Act and the ordinance referred to in Section 9 hereof.

§ 9. At or before the issuance of such bonds the legislative body shall, by ordinance, set aside and pledge the income and revenue of such municipal hospital into a separate and special fund to be used and applied in payment of the cost thereof and in the maintenance, operation and depreciation thereof. Said ordinance shall definitely fix and determine the amount of revenue which shall be necessary and be so set aside and applied to the payment of the principal and interest of the bonds, and the proportion of the balance of such income and revenues which is to be set aside as a proper and adequate depreciation account, and the remaining portion of such balance shall be set aside for the reasonable and proper operation and maintenance thereof. The rates to be charged for the use of such municipal hospital and the services it renders shall be sufficient to provide for the payment of interest upon all bonds and to create a sinking fund to pay the principal thereof as and when the same becomes due, and to provide for the operation and maintenance thereof an adequate depreciation account. Such rates and service fees shall be fixed and revised from time to time so as to produce these amounts.

§ 10. If any surplus shall be accumulated in the operating and maintenance fund, which shall be equal to the cost of maintaining and operating such municipal hospital during the remainder of the calendar, operating, or fiscal year as may be provided by the ordinance hereinbefore required, the excess may be transferred at any time, by the legislative body, to the depreciation account to be used for any improvements or additions to such municipal hospital.

§ 11. The funds accumulating to the depreciation account shall be expended in balancing depreciation on such municipal hospital, or in making new constructions or additions thereto. Any such accumulations may be invested as the legislative body may designate, and if invested, the income

from such investments shall be carried into the depreciation account.

§ 12. The city may issue new bonds for the purpose of providing funds for the payment of any outstanding bonds, in accordance with the procedure described by this act. Such new bonds shall be secured to the same extent and shall have the same source of payment as the bonds which shall have been thereby refunded.

§ 13. Should the legislative body find that the bonds authorized will be insufficient to accomplish the purpose desired, additional bonds may be authorized and issued subject to the procedure as herein described.

§ 14. Any city acquiring a municipal hospital pursuant to the provisions of this Act, may, at the time of the issuing of the bonds for such acquisition provide for additional bonds for additions and permanent improvements to be placed in escrow and to be negotiated from time to time as such proceeds for that purpose may be necessary. Such bonds when so negotiated shall have equal standing with the bonds of the same issue.

§ 15. In like manner, any city acquiring a municipal hospital under the provisions hereof may provide for the addition to and improvement of such municipal hospital by an additional issue or issues of bonds in the manner provided.

§ 16. Any city acquiring a municipal hospital under the provisions of this Act, may provide by ordinance any such provisions and stipulations for the administration of the income and revenues and for the security of the bondholders as the legislative body of such city may deem necessary.

§ 17. Any city purchasing, establishing, erecting or acquiring a municipal hospital, within or without the city, under the provisions of this Act, shall by ordinance provide for the appointment of seven commissioners to operate, manage and control said municipal hospital, such commission to be known as the Municipal Hospital Commission.

Said Municipal Hospital Commission shall provide rules, regulations and by-laws for the management of said municipal hospital and out of the revenue of the municipal hospital it shall pay operating expenses, repairs and additions which may be necessary to be made thereto, and provide sufficient reserve fund to insure the said municipal hospital is kept in repair and in safe and sanitary condition and to provide against any emergency which may arise. Said Commission shall from time to time pay to the city the surplus revenue derived from the operation of said municipal hospital as is provided in Section 9 hereof.

In order that said Commission may be non-partisan and non-political, no person shall be appointed a member thereof who has, within the last two years before his appointment, held any city, county, state or federal office, or who is related within the third degree to the mayor or member of the legislative body of such city. Said Municipal Hospital Commission shall not appoint to any subordinate office which they may create, any person who is related to the members of the legislative body or to the mayor or chief executive of said city, or to the members of the Municipal Hospital Commission. No officer or employee of said city, whether holding a paid or unpaid office, shall be eligible to be appointed as a member of said Commission. The members of such Municipal Hospital Commission shall be citizens, taxpayers, and legal voters of such city and shall not at the time of the appointment be indebted to the city either directly or indirectly or be surety on the official bonds of any officer of said city. No member of said Commission shall be interested directly or indirectly in any contract for the furnishing of supplies of any kind to said Municipal Hospital or to said city.

If at any time during the term of office any member of said Commission shall become a candidate for or be elected or be appointed to any public office, he shall automatically vacate his membership from said Commission and another person shall be appointed in his place.

The city shall pay the cost of securing bonds for said Commissioners from a surety company and said Commissioners shall each execute bond in the penal sum of \$1,000.00 conditioned upon the faithful performance of his official duties. Said bonds shall be approved by the legislative body of said city. An action may be maintained upon any Commissioner's bond by any person injured by a violation of the covenants therein contained.

Members of the Municipal Hospital Commission shall serve without compensation.

The first Municipal Hospital Commission appointed under this Act shall be appointed for terms as follows: Two for the term of one year; two for the term of two years; three for the term of three years. Upon the expiration of the first terms, successors shall be appointed for a term of three years.

§ 18. If any section or provision of this act is for any reason illegal it is the intention that the remaining sections and parts thereof shall remain in full force and effect.

Senator Melton moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	John A. Sugg, Jr.
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	H. Watt Hillman	J. E. Trager
H. Stanley Blake	Wm. H. Jones, Jr.	Ervine Turner
Ollie J. Bowen	Leo King	Thomas O. Turner
Dr. D. H. Bush	J. W. McDonald	E. T. Wesley
Edwin C. Dawson	Strother Melton	Otis White
Lee Gibson	Dr. R. C. Moss	O. C. Whitfield
Ralph Gilbert	Paul L. Sidebottom	B. M. Williams

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Those who voted in the negative were—

J. Lee Moore	Ray B. Moss	Ira W. See
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—3

Resolved that the title thereof be as aforesaid—

Senator Melton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 380. An Act providing for the control of the Japanese beetle; imposing certain powers and duties on the Agricultural Experiment Station; providing penalties, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That in order to protect the agricultural and horticultural crops of the Commonwealth from the ravages of the

Japanese beetle (*Popillia japonica*) that may have been or may hereafter be within the Commonwealth of Kentucky which would seriously and destructively infest any area in the State in which it may be found, the Kentucky Agricultural Experiment Station through its Entomologist is hereby empowered to adopt and carry out such control measures as the deemed advisable.

§ 2. The Entomologist or his authorized agent shall have free access, upon previous application, within reasonable hours to any premises or containers for purposes of tapping beetles, inspecting for beetles, investigating beetles, or treating the premises for the control of the Japanese beetle. The Entomologist may employ help, purchase materials, promulgate and enforce such rules and regulations as in his discretion are necessary to accomplish the purposes of this act.

§ 3. Any person hindering the efforts of the Entomologist or his agents in carrying out the provisions of this act is guilty of a misdemeanor and subject to a fine of not less than five dollars or more than one hundred dollars for each offense, or imprisonment not exceeding ten days, or both fine and imprisonment in discretion of court or jury trying the case, and each day's hindering or refusal of access shall constitute a separate offense.

§ 4. As the Japanese beetle sought to be exterminated herein has only been discovered in the State of Kentucky this year and treatment for eradication will have to be applied within the next thirty days an emergency is declared to exist and this act shall take effect and be in force immediately after its passage and approval by the Governor.

Senator Hettinger moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	John A. Sugg, Jr.
Aubrey Barbour	Leo King	Jos. P. Tackett
Paul M. Basham	J. W. McDonald	J. E. Trager
H. Stanley Blake	Stanley B. Mayer	Ervine Turner
Ollie J. Bowen	Strother Melton	Thomas O. Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	J. Lee Moore	Otis White
Waller A. Crockett	Dr. R. C. Moss	O. C. Whitfield
Edwin C. Dawson	Ray B. Moss	B. M. Williams
Lee Gibson	James C. Rogers	J. E. Wise
John M. Hall	Ira W. See	
J. Joseph Hettinger	Paul L. Sidebottom	

—34

Resolved that the title thereof be as aforesaid—

Senator Hettinger moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 277. An Act to repeal an act entitled “An Act to

direct certain terms of the Kenton Circuit Court to be held in Covington," passed and approved February 21, 1850.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled:

"An Act to direct certain terms of Court to be held in Covington"

passed and approved February 21, 1850 and being Chapter 176 of the Acts of said year be, and the same is hereby repealed.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leer Buckley	Ralph Gilbert
Aubrey Barbour	Dr. D. H. Bush	John M. Hall
Paul M. Basham	Waller A. Crockett	J. Joseph Hettinger
H. Stanley Blake	Lee Gibson	Leo King

J. W. McDonald	Dr. R. C. Moss	Ervine Turner
Stanley B. Mayer	Ray B. Moss	Thomas O. Turner
Strother Melton	John A. Sugg, Jr.	E. T. Wesley
E. C. Moore	Jos. P. Tackett	Otis White
J. Lee Moore	J. E. Trager	O. C. Whitfield

—27

There voted in the negative—

Paul L. Sidebottom

—1

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a resolution entitled:

H. B. 276. An Act to repeal an act entitled, “An Act to provide for the care, custody and maintenance of court houses and the courtrooms and offices therein and the public grounds adjacent thereto in counties containing cities of the second class”, passed and approved March 23, 1908.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an Act entitled:

“An Act to provide for the care, custody and maintenance of court houses and the courtrooms and offices therein and the public grounds adjacent thereto in counties containing cities of the second class”, passed and approved March 23, 1908 and being Chapter 45 of the Acts of said year be, and the same

is hereby amended and re-enacted, so that when amended and re-enacted it shall read as follows:

Section 1. That in counties having therein a city of the second class wherein all terms of the Circuit Court are held at the county seat, the fiscal courts of such counties shall have the care, custody and keeping of the court houses and court-rooms and offices therein, located at the county seat and the public grounds adjacent thereto and shall have authority and jurisdiction to levy and collect taxes off of the taxable property of the county, necessary for the purpose of keeping and maintaining same in proper condition and repair and the yard and the grounds adjacent thereto and to prevent waste or injury to or spoilation thereof; and to keep and maintain same in a proper state of cleanliness and sanitation and to provide heat and lights for same and to provide sufficient water for the courts and offices thereof and offices therein.

Section 2. That in said counties the jailers thereof, shall be relieved of the duties of attending to county and quarterly courts or furnishing fuel and lights for same or furnishing fuel, light and water to the Circuit Courts and shall not be allowed any fees on account thereof.

Section 3. That in counties having a population of less than 150,000 and containing a city of the second class, where the terms of the Circuit Courts, are held in the city of the second class as required by law and the county does not own, operate or maintain a court house in the city of the second class, the Fiscal Court of any such county is hereby empowered and directed to provide quarters for the Circuit Courts, County Court, Quarterly Court, Circuit Court Clerk, County Court Clerk, Sheriffs, County Auditor, County Attorney, County Tax Commissioner and Master Commissioner in the city of the second class, as well as at the county seat. In order to carry into effect, the provisions of this Section, the Fiscal Court is hereby empowered to acquire land for the purpose of constructing; and to construct a court house and to issue

its bonds according to law for the payment therefor. The Fiscal Court is further empowered, if it so desires, to rent or lease premises suitable for the above purposes, from any city of the second class, that has suitable quarters to furnish adequate housing for the above officers. The terms of said rental or lease shall be as mutually agreed upon between the Fiscal Court of any such county and the governing body of any such city.

§ 2. All acts or parts of acts in conflict herewith, are hereby repealed.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provisions of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ray B. Moss
Aubrey Barbour	J. Joseph Hettinger	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
H. Stanley Blake	J. W. McDonald	J. E. Trager
Leer Buckley	Stanley B. Mayer	Ervine Turner
Dr. D. H. Bush	Strother Melton	Thomas O. Turner
Waller A. Crockett	E. C. Moore	E. T. Wesley
Lee Gibson	J. Lee Moore	Otis White
Ralph Gilbert	Dr. R. C. Moss	O. C. Whitfield

There voted in the negative—

Paul L. Sidebottom

—1

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 266. An Act amending Sections 30 and 38 of an Act entitled “An Act relating to Courts of Justice. Article I. Court of Appeals. Article II. Circuit Courts. Article III. Quarterly Court. Article IV. County Courts. Article V. County Judge. Article VI. Justices’ Courts. Article VII. Change of Venue,” passed and approved June 10, 1893.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Sections 30 and 38 of an act entitled:

“An Act relating to Courts of Justice. Article I. Courts of Appeals of Appeals. Article II. Circuit Courts. Article III. Quarterly Courts. Article IV. County Courts. Article V. County Judge. Article VI. Justices’ Courts. Article VII. Change of Venue,”

passed and approved June 10, 1893 and being parts of Chapter 221 of the Acts of said year be, and the same are hereby amended and re-enacted, so that when amended and re-enacted they shall read as follows:

Section 30. The Quarterly Court shall be presided over

by the County Judge and there shall be held in each county, four terms of the Quarterly Court each year, at intervals of three months and upon such days as the County Judge, may by an order entered in the Quarterly Court order book, fix and the terms when so fixed shall not be changed except at the last regular term held in the year next preceding the year in which the change is to be made; and until changed as herein provided, the terms of the court shall remain as now established; at each term the court shall remain in session as long as the business requires it.

Provided, however, that in counties of less than 150,000 thousand population and containing a city of the second class, where the terms of the Circuit Courts are held in the city of the second class as required by law and the county does not own, operate or maintain a court house in a city of the second class, the Quarterly Court shall hold said terms in the city of the second class, as well as at the county seat.

Section 38. There shall be a regular term of the county court held by the county judge in each county once every month, on Monday, and, until changed as herein provided, shall be held on the same day it now is. The time of holding the county court in any county may be changed by an order made by the county judge, and entered upon the records of the county court at the last regular term held in the year next preceding the year in which the change is to be made. Special terms of the county court may be held at any time for the transaction of any business except the probating of a will, or granting tavern, liquor or druggist license; and the court may adjourn from time to time until the business is disposed of, but no adjournment shall be to a time beyond the commencement of the next regular term.

Provided, however, that in counties of less than 150,000 thousand population and containing a city of the second class, where the terms of the Circuit Courts are held in the city of the second class as required by law and the county does not

own, operate or maintain a court house in a city of the second class, the County Judge shall hold said court in the city of the second class, as well as at the county seat.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ray B. Moss
Aubrey Barbour	J. Joseph Hettinger	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
Stanley H. Blake	J. W. McDonald	J. E. Trager
Leer Buckley	Stanley B. Mayer	Ervine Turner
Dr. D. H. Bush	Strother Melton	Thomas O. Turner
Waller A. Crockett	E. C. Moore	E. T. Wesley
Lee Gibson	J. Lee Moore	Otis White
Ralph Gilbert	Dr. R. C. Moss	O. C. Whitfield

—27

There voted in the negative—

Paul L. Sidebottom

—1

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 395. An Act repealing and re-enacting Section Two Thousand Seven Hundred Eleven-A-One Hundred Ninety, Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Revised Edition, relating to pay, medical treatment, and funeral expenses of National Guardsmen dying or disabled when on or as the result of duty as such.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section Two Thousand Seven Hundred Eleven A-One Hundred Ninety (2711A-190) Carroll's Kentucky Statutes, One Thousand Nine Hundred Thirty-Six, Revised Edition, is hereby repealed and re-enacted so that, when re-enacted, it shall read as follows:

(a) If any member of the National Guard shall be incapacitated from pursuing his usual business or occupation by reason of any injury received or disease contracted when on duty or assembled therefor under competent authority or lawful order, which said injury or disease shall directly result from such service, he shall be entitled to receive the pay provided by Kentucky Statute 2711A-188 and actual necessary expenses for care, hospitalization and medical attendance during the period of such incapacity not exceeding ninety days from the date of receiving such injury or contracting such disease. Where a claim is made under this section, the

Adjutant General may cause examinations of the claimant to be made from time to time by a medical officer or officers designated by him, and he may direct the removal of the claimant to and his treatment in a hospital designated by the Adjutant General, and if the claimant refuse to permit such examination or if he refuse to go to such hospital or to follow the advice given or treatment prescribed for him therein, he shall forfeit and be barred from all right to any claim, pay or allowance under this section.

(b) If the death of any member of the National Guard results from an injury received or disease contracted when on duty or assembled therefor under competent authority or lawful order the Commonwealth of Kentucky shall pay his funeral expenses, but not to exceed \$100.00.

(c) The body of an officer or enlisted man, who dies while in active field service, or on active duty while his command is absent from its home station, shall, under the direction of his commanding officer, be promptly prepared for burial, enclosed in a suitable casket, and returned, at the expense of the State, to his late residence under a proper escort; provided, however, that the cost of the casket and preparing the body for burial shall not exceed the sum of \$100.00 as allowed by Subsection B of this Section.

All disbursements under Subsections A, B and C of this Section shall be a proper charge against the State and shall be paid from the Treasury on properly certified and approved vouchers.

(d) If any member of the National Guard, when on duty or assembled therefor under competent authority or lawful order, shall do any act in the discharge of his duty, the doing of which causes him to be proceeded against by civil court action, it shall be the duty of the Attorney-General to represent the member of the National Guard in any civil proceedings so begun. If, under the same conditions, a member of the National Guard is proceeded against in a criminal action,

the Adjutant General may, with the approval of the Governor, appoint for said member of the National Guard, legal counsel, who shall represent said member in any criminal proceedings so begun. The compensation paid the legal counsel shall be fixed by the Adjutant General, with the written approval of the Governor, and upon proper certification shall be paid from the appropriation for the Department of Military Affairs as other claims against that Department are paid.

Senator Bowen moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Ira W. See
Aubrey Barbour	Wm. H. Jones, Jr.	Paul L. Sidebottom
Paul M. Basham	Leo King	John A. Sugg, Jr.
H. Stanley Blake	J. W. McDonald	Jos. P. Tackett
Ollie J. Bowen	Stanley B. Mayer	J. E. Trager
Dr. D. H. Bush	Strother Melton	Thomas O. Turner
Edwin C. Dawson	E. C. Moore	E. T. Wesley
Lee Gibson	J. Lee Moore	Otis White
John M. Hall	Dr. R. C. Moss	O. C. Whitfield
J. Joseph Hettinger	Ray B. Moss	B. M. Williams

—30

Resolved that the title thereof be as aforesaid—

Senator Bowen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 278. An Act to repeal an act entitled "An Act to fix the portion of county and municipal expenses to be paid by the City of Covington in the County of Kenton," passed and approved the 18th day of March, 1886.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act, entitled:

"An Act to fix the portion of county and municipal expenses to be paid by the City of Covington and the County of Kenton"

passed and approved the 18th day of March, 1886, being Chapter 331 of the Acts of said year be, and the same is hereby repealed.

Senator Gilbert moved the previous question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ray B. Moss
Aubrey Barbour	J. Joseph Hettinger	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
H. Stanley Blake	J. W. McDonald	J. E. Trager
Leer Buckley	Stanley B. Mayer	Ervine Turner
Dr. D. H. Bush	Strother Melton	Thomas O. Turner
Waller A. Crockett	E. C. Moore	E. T. Wesley
Lee Gibson	J. Lee Moore	Otis White
Ralph Gilbert	Dr. R. C. Moss	O. C. Whitfield

—27

There voted in the negative—

Paul L. Sidebottom

—1

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 270. An Act to repeal An Act entitled, “An Act authorizing the Presiding Judge of Kenton County to hold quarterly terms in Covington”, passed and approved December 20, 1851.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled: "An Act authorizing the Presiding Judge of Kenton County to hold Quarterly terms at Covington", passed and approved December 20, 1851 and being Chapter 144 of the Acts of said year be, and the same is hereby repealed.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ray B. Moss
Aubrey Barbour	J. Joseph Hettinger	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
H. Stanley Blake	J. W. McDonald	J. E. Trager
Leer Buckley	Stanley B. Mayer	Ervine Turner
Dr. D. H. Bush	Strother Melton	Thomas O. Turner
Waller A. Crockett	E. C. Moore	E. T. Wesley
Lee Gibson	J. Lee Moore	Otis White
Ralph Gilbert	Dr. R. C. Moss	O. C. Whitfield

There voted in the negative—

Paul L. Sidebottom

—1

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 280. An Act to amend Section 9 of An Act entitled “An Act relating to Clerks”, passed and approved February 27, 1893.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 9 of an act entitled: “AN ACT RELATING TO CLERKS” passed and approved February 27, 1893, and being a part of Chapter 155 of the Acts of said year be, and the same is hereby amended and re-enacted, so that when amended and re-enacted, it shall read as follows:

Section 9. Any clerk may administer oaths in or out of court, touching any matter in which an oath may be legally administered, and he must keep his office within two hundred yards of the court-house, and open, free and accessible, at all reasonable times, except the Sabbath day, to every person having a right or claim to business therein, under the penalty of five dollars for each failure.

Provided, however, that in counties of less than 150,000 thousand population and containing a city of the second class,

where the terms of the Circuit Courts are held in the city of the second class as required by law and the county does not own, operate or maintain a court house in the city of the second class, the county clerk shall keep his office with all records in the court house provided by the Fiscal Court of such county, in the city of the second class, as well as at the county seat.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ray B. Moss
Aubrey Barbour	J. Joseph Hettinger	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
H. Stanley Blake	J. W. McDonald	J. E. Trager
Leer Buckley	Stanley B. Mayer	Ervine Turner
Dr. D. H. Bush	Strother Melton	Thomas O. Turner
Waller A. Crockett	E. C. Moore	E. T. Wesley
Lee Gibson	J. Lee Moore	Otis White
Ralph Gilbert	Dr. R. C. Moss	O. C. Whitfield

There voted in the negative—

Paul L. Sidebottom

—1

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 260. An Act to repeal an Act entitled “An Act to provide for establishing county courts at Covington,” passed and approved the 11th day of February 1858.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That an act entitled “AN ACT TO PROVIDE FOR ESTABLISHING COUNTY COURTS IN COVINGTON,” passed and approved the 11th day of February, 1858, and being Chapter 342 of the Acts of said year, be and the same is hereby repealed.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ray B. Moss
Aubrey Barbour	J. Joseph Hettinger	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
H. Stanley Blake	J. W. McDonald	J. E. Trager
Leer Buckley	Stanley B. Mayer	Ervine Turner
Dr. D. H. Bush	Strother Melton	Thomas O. Turner
Waller A. Crockett	E. C. Moore	E. T. Wesley
Lee Gibson	J. Lee Moore	Otis White
Ralph Gilbert	Dr. R. C. Moss	O. C. Whitfield

—27

There voted in the negative—

Paul L. Sidebottom

—1

Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House announcing that they had passed bills and resolutions which originated in the Senate of the following titles, viz:

S. B. 102. An Act to repeal, amend and re-enact Sections

one hundred sixty-five a-twelve (165a-12), five hundred ninety-three (593) and five hundred ninety-four (594) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, relating to the publication of statement of financial condition of bank, who shall sign statement, and penalty for failure to make or publish report.

S. B. 172. An act to clarify the license taxation by municipalities of banks, trust companies, combined banks and trust companies, and trust, banking and title insurance companies organized under the laws of this State.

S. B. 56. An Act to repeal and re-enact Section two thousand forty-three-twelve (2043-12), Carroll's Kentucky Statutes, one thousand nine hundred thirty (1930) Edition, Supplement one thousand nine hundred thirty-three (1933), the same being Section twelve (12), of Chapter sixty-eight (68) of the Acts of one thousand nine hundred thirty (1930), repealed, amended, and re-enacted by Chapter fifty-four (54) of the Acts of one thousand nine hundred thirty-six (1936) and entitled, "An Act concerning the manner of commitment of incompetent veterans of the World War who are beneficiaries of World War Veterans' Act as amended; and regulating the appointment, defining the duties and governing the actions of guardians and committees for beneficiaries of the World War Veterans' Act, as amended, and the World War adjusted Compensation Act, as amended," and declaring an emergency to exist.

S. B. 57. An Act to authorize fiduciaries to invest trust funds in real estate; to authorize a trust company or a bank, empowered to act as a fiduciary under the laws of the State of Kentucky, to establish a common trust fund under a written plan to be approved by the Kentucky State banking authority; to authorize the amendment or modification of any such plan with the approval of the Kentucky State banking authority;

and to authorize such trust company or bank to invest trust funds in its hands in shares or participation certificates issued against such common trust fund.

S. B. 58. An Act to permit the transfer of assets of a bank to another bank, in case of emergency, by the board of directors with the consent of the Director of the Division of Banking, providing for the publication of notice of such transfer; providing for the payment of fair cash value to aggrieved shareholder, and the time and manner of objection of such aggrieved shareholder; and providing for the repeal of all laws and parts of laws in conflict with this Act.

S. B. 59. An Act relating to the compensation of executors, administrators and curators, and repealing, amending, and reenacting Kentucky Statutes 3883, Carroll's Edition 1930.

S. B. 60. An Act relating to the compensation of trustees and fiduciaries, by adding after Section 4711 Kentucky Statutes, Carroll's Edition 1930, as amended, a new provision relating to such compensation.

S. B. 79. An Act to amend and re-enact Section six hundred ten (610) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, relating to the indebtedness or obligation of a person, company or firm to a trust company; and providing for a change in the maximum amount permitted.

S. B. 80. An Act to amend and re-enact Section Five Hundred and Eighty-Three (583) of Carroll's Kentucky Statutes, One Thousand Nine Hundred Thirty-Six (1936) Edition, relating to the indebtedness or obligation of a person, company or firm to a bank, the highest amount permitted, certain bills of exchange not included.

S. B. 81. An Act to repeal, amend and re-enact Sections one hundred sixty-five a-15 (165a-15) and five hundred eighty six (586 of Carroll's Kentucky Statutes, one thousand nine hundred and thirty-six (1936) Edition, relating to the impairment of a bank's capital, duty of bank and Director of the Division of Banking, reduction of capital and how impairment shall be made good.

S. B. 82. An Act pertaining to banking, and to amend and re-enact Section Five Hundred Ninety-Five (595) Carroll's Kentucky Statutes, One Thousand Nine Hundred Thirty (1930) edition, as amended by Chapter One (1) of the Acts of the Extraordinary Session of the General Assembly of the Commonwealth of Kentucky of One Thousand Nine Hundred Thirty-Three (1933), and as amended by Chapter Twelve (12) of the Acts of the Regular Session of the General Assembly of the Commonwealth of Kentucky of One Thousand Nine Hundred Thirty-Six (1936), so as to provide to the holders of non-assessable preferred capital stock issued by a bank or trust company or combined bank and trust company exemption from assessment to restore impairment of capital and rights with respect to dividends, voting and conversion rights, control of management and preference in the event of retirement of said stock, or liquidation of the corporation, and prescribing a basis for determination of whether or not there exists an impairment of the capital of a bank or trust company or combined bank and trust company which has issued such stock.

S. B. 83. An Act providing that banks incorporated under the laws of any other state shall not do any business in this Commonwealth, except to lend money; and providing for the repeal of all laws and parts of laws in conflict with this Act.

S. B. 103. An Act to repeal and reenact, as amended, Section 165a-20 Kentucky Statutes, Carroll's Edition 1936,

relating to the powers of the Director of the Division of Banking in passing upon applications for the approval of articles of incorporation of any proposed bank, trust company, combined bank and trust company, or any trust, banking and title insurance company, in regard to the necessity and convenience of such institutions, and amending said section so as to provide for the investigation of certain additional phases of such proposed institutions, and for the refusal of articles of incorporation of such institutions by the Director of the Division of Banking, and to require each director thereof to own in his own right shares of a par value of not less than \$500.00.

S. B. 104. An Act to fix the minimum amount of capital of any bank, trust company, combined bank and trust company, and trust, banking and title insurance companies, hereafter organized under the laws of this State, and to clarify any statutory inconsistencies relating thereto; and to repeal and reenact, as amended, Kentucky Statutes, Carroll's Edition 1936, Section 577, and Section 580, relating to banks, Section 603 relating to trust companies, Section 612a relating to combined banks and trust companies, and Section 883c-1 relating to trust, banking and title insurance companies; and to repeal, so far as inconsistent herewith, Section 598b (2) relating to the required capital of State and National banks in this State acting as fiduciaries.

S. B. 135. An Act to amend and re-enact Section five hundred seventy-nine (579) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, relating to when business may begin, powers of corporation, powers to discount evidence of debt, and when the pledging of assets is permitted, providing for the exemption of banking institutions from furnishing security for any deposits to the extent such institutions are insured under Section 12B of the Federal Reserve Act as amended, and for the pledging of cer-

tain assets to secure a loan in case of a transfer of deposit liability.

S. B. 165. An Act to provide for the subrogation of the Federal Deposit Insurance Corporation to the rights, against an insured closed institution, of all depositors, whose deposits have been paid, or for the payment of which funds have been made available; and providing for the repeal of all laws or parts of laws in conflict with this Act.

S. B. 170. An Act to amend and re-enact Section one hundred sixty-five a-8 (165a-8) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, to provide for the exchange of information between the Division of Banking and other properly authorized supervisory authorities.

S. B. 179. An Act pertaining to banking and to amend and re-enact Section 584a of Kentucky Statutes, Carroll's Edition (Baldwin's 1936 Revision).

S. B. 182. An Act to prohibit any person, or officer of the Commonwealth of Kentucky or any subdivision thereof from instituting or prosecuting proceedings to escheat real estate of landing corporations under the supervision of duly constituted public authority, and acquired in satisfaction of loan indebtedness to it, without first having obtained the consent of said supervising authority.

S. B. 210. An Act to amend and re-enact Chapter 4, of the Acts of the General Assembly of Kentucky of One Thousand nine hundred twelve, as amended, being Sections 165a-1 through 165a-22, both inclusive, of Carroll's Kentucky Statutes, 1936 Edition, by adding a new section, to-wit; 165a-23 and to declare the legislative intent of said act.

The message which was received from the House further announced that they had passed a resolution which originated in that body entitled, viz:

H. Res. 83. A resolution authorizing the personal representative of Hoyt Hedges, deceased, to file and prosecute suit against the Fayette County, Kentucky, and the Fiscal Court of Fayette County, Kentucky.

Said resolution is as follows, viz:

WHEREAS, one Hoyt Hedges, was employed as a laborer by Fayette County in said County's quarry and while in the course of his employment and in the performance of the duties on or about the 25th day of October, 1937, fell through the floor in the loading platform at said quarry, and,

WHEREAS, said quarry is owned, operated and maintained by Fayette County and the Fiscal Court of Fayette County and as a direct result of injuries received in said fall, the said Hoyt Hedges died thereafter on December 13, 1937;

NOW, in order to determine by judicial action the question of the negligence of said County and its fiscal court and its employees in the premises;

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

That the personal representative of said Hoyt Hedges be, and he is, hereby empowered and authorized to institute and prosecute a civil action for damages, and sue Fayette County, Kentucky, and the Fiscal Court of said County, for said wrongful injury and death of Hoyt Hedges and to determine the liability, if any, of said County and its fiscal court.

Said action may be brought within one year from the date of the passage of their resolution in the Fayette Circuit Court, for such injury and death and medical, surgical, ambulance, hospital and burial expense, and loss to said estate by reason of the destruction of the power of Hoyt Hedges to labor and earn money.

Senate Joint Resolution 68. Resolution concerning enrollment of bills.

S. Res. 37. A joint resolution appropriating from the General Fund of the State of Kentucky one hundred twenty-two dollars and eight cents (\$122.08) for the payment of claims ordered and issued by the Breathitt Circuit Court.

S. Res. 36. A joint resolution appropriating fifty (50) dollars from the General Fund of the State of Kentucky for the purpose of paying Ben. C. Sewell, Jackson County, for services and expenses as special elisor to summon a venire of fifty (50) men from Clark County for criminal jury service in the Breathitt Circuit Court.

S. Res. 63. A resolution authorizing and empowering Anna Henderson Smith personally and/or the Fiscal Court of Fayette County, Kentucky.

S. Res. 62. A joint resolution appropriating from the General Fund of the State of Kentucky Three Hundred Thirty-Two Dollars and Sixty-Six Cents (332.66) for the payment of a claim of D. P. Dingus, Deputy Sheriff of Floyd County, Kentucky, for expenses incurred by him under orders of the Floyd Circuit Court in returning from the State of Idaho, Evan Frasure and Ernest Frasure and delivering them to the jailer of Floyd County on a charge of willful murder.

S. Res. 46. Resolution authorizing the Kentucky Children's Home Society, a Kentucky corporation, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

S. Res. 44. Resolution, authorizing Mrs. Myrtle Cade to sue the Commonwealth of Kentucky, and the State Highway Commission, or either.

S. Res. 13. Resolution authorizing the personal representative of Jasper Johnson, deceased, to file and prosecute suit against the Commonwealth of Kentucky and the State Highway Commission or either of them.

S. Res. 12. Resolution authorizing John R. Clarke, Jr., and Edith S. Clarke to sue the Commonwealth of Kentucky, the State Highway Commission, or either or both of them.

S. Res. 61. Resolution authorizing W. W. Robertson to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

S. Res. 54. Resolution authorizing F. W. Childers to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

S. Res. 51. Resolution authorizing J. D. Johnson and George Appman to sue the Commonwealth of Kentucky, and State Highway Department.

S. B. 168. An Act to amend and re-enact Section 2740 Carroll's Kentucky Statutes, Baldwin's Revision of 1936, relating to classification of cities and towns in the state, so as to change the town of Evarts, Harlan County, from a town of the sixth class to a city of the fifth class, and the said section is hereby amended as follows.

S. B. 26. An Act to repeal Chapter One Hundred and Fifteen (115) of the Acts of the General Assembly at its 1916 Session, and Chapter 55 of the Acts of the General Assembly at its 1920 Session, and enacting in lieu thereof, an act to provide a stenographer in the County Attorney's Office in Counties containing a city of the first class, prescribing the method of appointment and removal, salary and method of payment of said salary.

S. B. 123. An Act to amend and re-enact Section 4357-1, Carroll's Kentucky Statutes, Baldwin's 1936 Revision increasing the Governor's salary from Six Thousand Five Hundred Dollars (\$6,500.00) to Ten Thousand (\$10,000) Dollars.

S. B. 148. An Act to amend and re-enact Section 4356t-7 of Carroll's Kentucky Statutes 1936 Edition relating to the purchase, location and relocation of rights of way by the State Highway Commission.

S. B. 48. An Act to amend Section 1 of Chapter 42 of the Acts of the General Assembly of 1934 so as to provide the period of probation of defendants in certain criminal cases.

S. B. 54. An Act to amend Section 127 of the Criminal Code of Practice, Baldwin's Revision of 1932, so that the offenses of forgery and uttering a forged instrument may be charged in one indictment.

S. B. 197. An Act to promote the Agricultural, Horticultural and Live Stock Interest of the Commonwealth of Kentucky by enabling the State Board of Agriculture to cooperate with County and Community Fairs in offering of premiums for agricultural, horticultural and live stock exhibits at such Fairs.

S. B. 100. An Act to amend and re-enact Section 3721a, Carroll's Kentucky Statute, pertaining to jurisdiction of Notary Publics.

S. B. 37. An Act to amend section one hundred of the constitution of the Commonwealth of Kentucky so as to permit women to hold public offices.

S. B. 118. An Act amending Chapter Forty-two (42) of the Acts of the General Assembly of nineteen thirty-six (1936),

being Section four thousand three hundred ninety-nine-three (4399-3), Carroll's Kentucky Statute, 1936 edition relating to independent school districts.

S. B. 119. An Act to amend an act, entitled an act to amend an act, in relation to the Kentucky State Board of Dental Examiners, which act became effective June 5, 1932, and being Section 2636 with its 23 subsections of Carroll's Kentucky Statutes, and to regulate the practice of dentistry in the State of Kentucky.

S. B. 204. An Act to repeal and re-enact Chapter 42, Acts 1932, page 322, being Section 415b-6, (2) relating to Confederate pensions.

S. B. 77. An Act to enable any county of this Commonwealth, through its fiscal court, or any municipality, city, town or other voting district, through its legislative body or department to separately or jointly purchase, rent or lease voting machines to be used in any or all elections or primary elections; defining and establishing the requirements of said voting machines, the printing of official sample ballots, number of official ballots to be furnished, requiring instructions of voters in use of machine before election, requiring extra ballots in case of loss or theft, providing for emergency if machine is out of order, the method of conducting the election, the location of the voting machine during elections, the time allowed a voter to vote, instructing voters on election day, providing for blind or physically disabled voters, providing for announcing the vote at close of election, and locking the machines, and where the irregular ballots are to be returned, providing the disposition of keys, making the possession of keys to a voting machine by an unauthorized person a crime and providing a penalty therefor. Defining the meaning of crime used in this act, and repealing all acts in conflict herewith.

S. B. 69. An Act to repeal and re-enact Sub-section One of Section One thousand one hundred and thirty-seven (1137-1) of Kentucky Statutes, Carroll's edition of 1936, being chapter One hundred and sixty three (163) of the Acts of the General Assembly of 1920, relating to the death penalty for the crime of rape.

S. B. 155. An Act fixing the time of holding Court in the Sixth Judicial District composed of Daviess, Hancock and McLean Counties and to that extent amending Section Seven of an Act Entitled: "An Act creating the Thirty-Eighth Judicial District of Kentucky, fixing the time of holding courts thereof; changing the Sixth, Seventh and Eighth Judicial Districts and fixing the time of holding the courts thereof; providing for the appointment and election of a Circuit Judge and a Commonwealth's Attorney for the Thirty-eighth Judicial District, and declaring an emergency to exist," and which said Act was heretofore passed by the present Legislature and became a law on the 20th day of January, 1938.

S. B. 161. An Act repealing, amending and re-enacting sections 1893d-9, section 1893d-10 and section 1893d-11 Carroll's Kentucky Statutes 1936 Revision, pertaining to the size and prohibiting the sale of jack salmon or wall eyed pike.

Ordered that said bills be delivered to the Enrolling Clerk of the Senate.

Senator Buckley of the Committee on Conference to which a bill which originated in the Senate of the following title, viz.:

S. B. No. 90. (For title see Journal of today, ante.)

And amendments thereto as proposed and adopted by the House had been previously referred, reported that said Committee had had under consideration said bill and amendments

thereto as proposed and adopted by the House, and that the Committee on the part of the Senate up and the Committee on the part of the House had failed to agree thereon.

Senator Gilbert moved that said report of the Committee on Conference on the part of the Senate be accepted by the Senate.

Said motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

House Bill No. 367. An Act to amend and re-enact sections 2739j-76, 2739L-11 and 2739L-14, which are part of Chapter 88b relating to motor vehicles, Carroll's Kentucky Statutes, Annotated, Baldwin's 1936 Revision.

Said Bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 2739j-76, 2739L-11 and 2739L-14, which sections are part of Chapter 88b relating to motor vehicles, Carroll's Kentucky Statutes, Annotated, Baldwin's 1936 Revision be amended and re-enacted so that such sections when amended and re-enacted shall read as follows:

§ 1. 2739j-76. No certificate or permit shall be issued until there has been filed with and accepted by the Director of Motor Transportation a good and sufficient indemnity bond or insurance policy issued by some surety or insurance company or other insurance carrier, duly authorized to transact business as such with this Commonwealth, which shall provide by such terms, conditions and provisions and in such penal sums or maximum amounts as said Director of Motor Transportation may deem necessary for the reasonable protection of the patrons of the operator of the motor vehicle for

hire and of the public in the collection of damages for which the operator may be liable by reason of the operation of any motor vehicle for hire; provided, however, that the bond or insurance policy required of a contract carrier or the operator of a motor vehicle for hire engaged solely in interstate commerce shall not be for the protection of the patrons of the motor carrier; and provided further that no certificate or permit shall be issued until there has been filed with the Director of Motor Transportation a bond in the penal sum of One Thousand Dollars (\$1,000.00) payable to the Commonwealth of Kentucky, with some surety company qualified to do business in this Commonwealth as surety thereon, conditioned that the applicant shall pay any and all fees, taxes or penalties which may be due under the provisions of this act and for the faithful compliance with all lawful decisions, orders, rules, regulations, demands and requirements of the Director of Motor Transportation made, rendered issued or promulgated under the provisions of this act. Provided, however, if the Director in his discretion shall deem it necessary, he may require that the amount of the bond to be given shall be increased to an amount not to exceed Five Thousand Dollars (\$5,000.00). No bond or insurance policy may be cancelled or otherwise terminated at any time prior to its expiration for any reason whatever until there have been filed with said Director of Motor Transportation by the surety or indemnity company a notice to such effect at least fifteen (15) days prior to the date of such termination or cancellation. This provision shall be deemed to be a part of every such undertaking, and no other provision thereof, and no agreement between the parties thereto shall operate to void the same. If any such bond or insurance policy shall become inoperative, the authority under the certificate or permit shall cease and be suspended until a bond or insurance policy meeting the requirement of this section shall become effective and be filed with said Director of Motor Transportation.

Provided, however, that in lieu of the bond for One

Thousand Dollars (\$1,000.00) provided by this section, any person entitled to a certificate may deposit with the Director of Motor Transportation a certified check payable to the Treasurer of the Commonwealth of Kentucky in an amount to be fixed by the Director of Motor Transportation, which check or checks shall be held by said Director as a guarantee for the protection of the Commonwealth of Kentucky for any fees or taxes due, as provided under this section and act. In the event any person fails to pay any fees or taxes within fifteen (15) days after same become due, then the Director of Motor Transportation shall have the right to cash said certified check and deduct therefrom any fees or taxes due the Commonwealth, and return to the person depositing with him said certified check any balance, in which event the certificate or permit issued to such person shall be cancelled unless the holder of such certificate or permit files with the said Director of Motor Transportation a new certified check or bond provided by this section.

§ 2. 2739L-11. Before any permit is granted by the Director of Motor Transportation, the operator shall file with said Director a good and sufficient bond with adequate corporate surety, payable to the Commonwealth of Kentucky, which shall bind the obligor therein to pay any final judgment rendered against him arising out of the death of or injury to any passenger or passengers, for loss or damage to property while in transit, or death of or injury to other persons or damage to their property, or any act or omission connected with the operation of motor vehicles by the operator, which bond shall be in the penal sum of Five Thousand Dollars (\$5,000.00) for each motor vehicle operated, for death of or injury to persons, and in the further sum of One Thousand Dollars (\$1,000.00) for each vehicle operated, for damage to property, resulting from the operation of any such motor vehicle.

Instead of such bond, the Director of Motor Transportation may accept and file a policy of insurance issued by any

insurance company or carrier authorized to do business in this Commonwealth, or other contract in writing deemed by the Director to be adequate, by which such insurance company or insurance carrier shall assume the liability prescribed by this section.

The Director of Motor Transportation may exempt, in whole or in part, from the requirements of this section any operator, upon application for such exemption and upon showing to the Director of Motor Transportation to his satisfaction, that by reason of the financial ability of the operator there exists due assurance of the payment of any and all damages for which said operator may become liable as a result of the operation of any vehicles owned by said operator, and the Director may, in his discretion, in lieu of the filing of a bond with adequate corporate surety, permit any operator to file a bond with personal surety thereon, but the Director shall not permit any person to execute any bond other than a surety bond or policy unless the person applying for the right to execute a bond with personal surety, shall file with the Director an affidavit as to the inability of the person applying, to obtain a bond or policy of assurance with corporate surety. Before accepting a bond with personal surety, the Director shall have the right to require the person applying for this character of bond, to file for himself, and to have the surety thereof file an affidavit as to the property qualifications of both principal and surety, and the Director shall be the judge of the sufficiency of both principal and surety thereon. The exemption herein provided shall be made only by written order of the Director, who may from time to time require statements of the financial condition of such operator and may upon ten (10) days notice in writing, for cause, revoke his order granting such exemption, in which event said operator shall immediately comply with the other requirements of this section.

No insurance or insurance carrier issuing any policy filed with the Director, and no surety or other obligor on any

bond or contract filed with the Director shall be relieved from liability under said policy, bond or contract until after the expiration of fifteen (15) days notice to the Director of an intention to cancel said insurance policy, bond or other contract, and the acceptance of such notice and cancellation of such policy, bond or other contract by the Director shall not relieve the insurance company or insurance carrier or the surety on such bond or other contract of any liability which shall have accrued prior to the effective date of such cancellation. The Director shall have the right to require all bonds or insurance policies to expire and be renewed upon a given day.

If any operator shall violate any provision of this act, the Director shall give notice to such operator and if after hearing, the Director finds that such operator has violated any of the provisions of this act, he shall cancel the permit issued to such operator, and after cancellation, no operator shall have the right to ask for a renewal of his permit for a period of six (6) months. Any operator whose license is cancelled by the Director of Motor Transportation shall have the right of appeal to the Franklin Circuit Court, where said case and the hearing thereon shall be tried *de novo*.

§ 3. 2739L-14. The violation of any provision of this act shall constitute a misdemeanor, punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Two Hundred Dollars (\$200.00) and costs of prosecution. Prosecutions under this act may be summary arrest, warrant or information, and the courts in the county or city where the offense is committed or the Franklin County Quarterly or Circuit Court of Franklin County shall have concurrent jurisdiction for the trial of all offenses under this act.

Senator Sugg moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Paul L. Sidebottom
Aubrey Barbour	J. Joseph Hettinger	John A. Sugg, Jr.
Paul M. Basham	H. Watt Hillman	Jos. P. Tackett
H. Stanley Blake	Wm. H. Jones, Jr.	Ervine Turner
Ollie J. Bowen	Leo King	Thomas O. Turner
Leer Buckley	E. C. Moore	E. T. Wesley
Dr. D. H. Bush	Dr. R. C. Moss	O. C. Whitfield
W. C. Farmer	Ray B. Moss	B. M. Williams
Lee Gibson	Ira W. See	J. E. Wise

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Those who voted in the negative were—

Waller A. Crockett	Strother Melton	Otis White
J. W. McDonald	J. Lee Moore	
Stanley B. Mayer	James C. Rogers	

—7

Resolved that the title thereof be as aforesaid—

Senator Sugg moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 135. An Act to repeal, amend and re-enact Section two thousand three hundred eighty (2380)b-9, Section two thousand three hundred eighty (2380)b-12, of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to the mode of electing officers for Drainage Districts provided for under these sections, and fixing their compensation, and declaring an emergency.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section One. That Section two thousand three hundred eighty (2380)b-9, Section two thousand three hundred eighty (2380)b-11, and Section two thousand three hundred eighty (2380)b-12, of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to the mode of electing officers for Drainage Districts provided for under these sections and fixing their compensation, be amended and re-enacted so that said sections shall read as follows:

Two thousand three hundred eighty (2380)b-9. The court shall then set the report of the board of viewers for a hearing and trial upon exceptions and objections thereto. The court shall have the right to continue the proceedings from term to term and cause the clerk to give the proper notice if he has failed to do so, to the end that all persons owning land and other property in the proposed district or affected thereby shall be before the court. Any owner of real estate or other property in said proposed district, or whose lands or other property outside of said district which will be affected thereby, may file his objections and exceptions showing reasons why the district should not be established or organized, but the same must be filed within thirty days after the date of the notice by the clerk herein provided for. Such objections shall be limited to a denial of facts alleged in the petition, or facts stated in the report of the viewers. The

court shall have the right to continue the hearing from time to time in the furtherance of justice as occasion demands. The report of the board of viewers shall be taken as prima facie correct. If the court shall find that the land or other property described in the report of viewers shall not be formed into a district, as prayed for in the petition, the petition shall be dismissed and the costs adjudged against the petitioners. No petitioner shall be allowed to dismiss the petition after the viewers are appointed without the written consent of the owners of land owning a majority in acreage of land described in the said petition. If the court should find that the report of the viewers does not correctly describe the body of land involved in the proposed improvement, the proceedings may be again referred to the board of viewers, with directions to report at a date certain to be then fixed by the court, to which time the proceedings shall be continued, and no additional notice need be given, unless additional lands or other property shall be embraced in the amended report, in which case the hearing shall be again fixed by the court and additional notice given and published as herein above provided for in the first instance, except such notice shall relate only to such additional persons named as owners of land and property embraced in the amended report. The hearing shall then be had, as if the land and property added had been embraced in the report originally. If the court overrules all objections, and finds that the territory or some part thereof should be organized into a district as prayed for in the petition, or as reported by the board of viewers, the court shall establish the district by entering an order for judgment substantially as follows:

The Commonwealth of Kentucky. In the.....
court, county, term, 19.....

In the matter of the petition of et al, for the
establishment and organization of a (drainage) (levee) rec-
lamation) district, in the county or counties of

Now on this, the day of 19....., comes on for hearing and trial the exceptions and objections to the report of the board of viewers herein, in and by which proceeding it is sought to establish a (drainage) (levee) (reclamation) district under any by virtue of an act of the general assembly relating to drainage, and it appearing to the court that the petition and the report of the board of viewers are each in compliance with the law, and it further appearing to the court from an inspection of the certificate of the clerk of this court that notice has been given as required by law, and that all persons, corporations, cities, towns and municipalities owning lands, easements or other property within the territory proposed to be incorporated into said district are before the court and that the court now has jurisdiction over said persons named in said report, and over the lands, easements and other property in the following described territory, viz: (here insert description of territory comprising district), and it appearing to the court that the following named persons have heretofore filed objections, and exceptions to said viewers' report, viz: (here insert names of all persons who have so filed objections and exceptions), and the court having heard the evidence and argument of counsel and being sufficiently advised it is now adjudged by the court that said objections and exceptions be and they are hereby overruled, and it is now adjudged by the court that the territory above described herein, be and the same is declared and adjudged established, and that same be organized into a (district) (levee) (reclamation) district, and a body corporate, under the name and title of (name of district). This proceeding is now ordered into the hands of the board of drainage commissioners of district, to be by them organized into a (drainage) (levee) or (reclamation) district, according to law. The clerk of this court is hereby ordered and directed to issue and deliver to said board of drainage commissioners a certified copy of this

judgment. This proceeding is now continued for further proceedings, such as may be necessary to be had herein.

.....Judge

.....Court.

The judgment shall be spread upon the order book of the court by the clerk as other judgments.

Two thousand three hundred eighty (2380)b-11. As soon as the judgment has been rendered and entered establishing a drainage, levee, or reclamation district, as provided for in the preceding sections of this act, the court shall make and cause to be entered an order referring the said district to the board of drainage commissioners elected by the landholders of the district as hereafter provided, and shall also at the same time, enter an order continuing the said proceedings until some day certain in that term, or generally to the next term of the said court, and all persons named in the clerk's notice and before the said court shall take notice of all continuances of the said proceedings, without further or other notice, as the notice by the clerk in reference to the establishment of the said district shall bring all parties thus named in said notice into court for all purposes and at all terms of court, and at all times in all terms of court to which the proceedings may be continued; and if no order be entered by the court continuing the said proceedings, the said proceedings will be by law continued from time to time until the improvements are completed and paid for as provided in this act, with like effect as if the order of continuance had been entered.

Two thousand three hundred eighty (2380)b-12. In all counties, towns and cities in this state, where a public ditch, sewer, drain, conduit, levee or other improvement of a similar character shall have been established under pre-existing laws, and shall have been, according to law, made to proceed under this act, or may hereafter be established under this act, it shall

be the duty of the county judge of the county wherein such proceeding is pending to divide such drainage, levee or reclamation district into three precincts as nearly equal in area as practicable, following landholders' property lines, and said county judge shall immediately upon such division appoint a temporary secretary to act for the levee, reclamation or drainage district board. The secretary for the board shall record the result of the division of the district into precincts by the county judge in the drainage record. Said secretary shall give twenty days notice by publication in a newspaper published in each county wherein any part of the drainage district lies and by posting three notices in each precinct of the levee, reclamation or drainage district informing the landholders of the district that they may vote for a drainage commissioner for each precinct and the secretary for the board and district, within a stated time. The vote shall be taken by the landholders filing a written designation of choice together with the number of acres the voter owns in the district, or if benefits have been confirmed, the amount of benefits assessed against the owners land. Each acre owned and assessed in the district shall count one vote, or if benefits have been confirmed, each one hundred dollars or fraction thereof in benefits assessed against the voters land shall count one vote for secretary and drainage commissioner. The votes cast shall be immediately recorded by the secretary in the drainage record as soon as cast; the landholders of the drainage district shall file their votes with the secretary of the board on or before the first Monday in April for drainage commissioners and for secretary for a term of one year, beginning the first of May following. In case there may be a tie in the election of commissioners or secretary the county judge of the county wherein the district has been established shall untie the vote. The board of drainage commissioners of the district shall consist of three members, being the persons who have received the largest number of votes in each of the three precincts and the

secretary shall be the party voted for as secretary who receives the largest number of votes from the district at large. One month after the advertised election shall be completed, or the first Monday in May, if not an advertised election, the elected officers shall take charge of the drainage record and all records, maps, papers and property belonging to the district, except money in the hands of the treasurer. No one, except a landholder who owns land in the precinct for which he acts shall be eligible for drainage commissioner. Each of said commissioners shall be freeholders and over twenty-one years of age, and shall have charge and control of all such public ditches, sewers, drains, conduits, levees, improved water courses and similar improvements in such district, except as herein otherwise provided. Vacancies in the office of board member or secretary shall be filled by a special election after due advertising as heretofore provided. Each of the said drainage commissioners when elected shall execute bond for the faithful performance of their duties in the sum of Twenty-five hundred dollars (\$2500.00) and shall be sworn to perform the duties of their offices to the best of their ability. Immediately upon their election and qualification, said board shall become and is hereby created a body corporate, under the name and style of the "Board of Drainage Commissioners of District" (the blank to be filled with the name of the district, with the right to acquire, hold, encumber, sell and convey such real estate and personal property as shall be necessary to the conduct of its affairs, to sue and be sued, contract and be contracted with and shall possess such other powers and rights as usually pertain to corporations, or as may be necessary for carrying on their work, under the provisions of this act. It shall have and use a corporate seal and may change the same at pleasure. Said board shall elect from among its members a president, and a vice-president. The board of drainage commissioners shall furnish the secretary of the board of drainage commissioners the necessary office, room, furniture, fixtures, stationery, maps, plats, typewriter

and postage. The board shall elect some responsible resident of the district, who shall not be a member of the board, or secretary for the board, treasurer for the district, who shall execute bond as the board directs and they may pay said treasurer such salary as they deem proper. Said board of drainage commissioners shall meet as often as necessary for the proper discharge of duties at such places as said duties shall require within the county or counties in which the district or any part thereof lies. Said board shall keep complete records of its proceedings, which records shall be public records and at all times open to the inspection of the public.

It shall be the duty of the treasurer of the board of drainage commissioners, on or before May 1st of each year to make a complete and itemized report of its accounts and doings during the previous year, showing the amount of money received and from what source and the amount paid out and for what purposes, which report shall be spread upon its records and open for public inspection. It shall be the further duty of the treasurer of the board of drainage commissioners, on or before May 1st of each year to have published in the county seat newspaper wherein the largest acreage of the drainage district lies, a complete and itemized statement of the previous year showing the accounts received, the date of receipt and from what source and the amounts paid out, the date of disbursement and for what purposes. All expenses incurred under the act to be borne by the board of drainage commissioners out of drainage funds and not from any general funds of the county.

Said commissioners shall be paid not to exceed \$3.00 per day while actually engaged in the performance of their duties, as well as all traveling expenses incurred in attending any meeting of the board, or in the performance of their duties under this act, to be paid out of the funds of the district.

Section Two. Whereas, it is deemed important by the General Assembly that landholders in drainage districts organized under the above laws be permitted at once to elect

their own officers, an emergency is hereby declared to exist, and this Act shall become effective immediately upon its passage and approval by the Governor.

Senator McDonald moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	James C. Rogers
Aubrey Barbour	H. Watt Hillman	Ira W. See
Paul M. Basham	Leo King	Paul L. Sidebottom
H. Stanley Blake	J. W. McDonald	Jos. P. Tackett
Leer Buckley	Stanley B. Mayer	J. E. Trager
Dr. D. H. Bush	Strother Melton	Ervine Turner
W. C. Farmer	E. C. Moore	E. T. Wesley
Lee Gibson	J. Lee Moore	Otis White
Ralph Gilbert	Dr. R. C. Moss	O. C. Whitfield
John M. Hall	Ray B. Moss	B. M. Williams

—30

Resolved that the title thereof be as aforesaid —

Senator McDonald moved that the vote by which said bill

was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 394. An Act providing for City School Boards in Cities of the Third Class to make contracts with private institutions for the instruction of students in city schools to obtain a commercial education, and providing for the payment of such instruction from the city school funds.

Said is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. In any City of the Third Class any City School Board is hereby authorized and empowered to enter into and to make a contract with any private institution for the instruction of the students in the city schools of said city, provided that said private institution offers a course of study which has been approved by the State Board of Education as an accredited high school course in commercial subjects.

§ 2. Such City School Board is hereby authorized and empowered to provide in said contract the amount of such compensation to be paid for such instruction and the manner in which payment shall be made and the time of such payments.

§ 3. All laws and parts of laws in conflict herewith are hereby repealed.

Senator R. C. Moss moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Strother Melton	J. E. Trager
Paul M. Basham	E. C. Moore	Ervine Turner
H. Stanley Blake	J. Lee Moore	Thomas O. Turner
Dr. D. H. Bush	Dr. R. C. Moss	Otis White
Waller A. Crockett	Ray B. Moss	O. C. Whitfield
Lee Gibson	James C. Rogers	B. M. Williams
John M. Hall	Ira W. See	J. E. Wise
J. Joseph Hettinger	John A. Sugg, Jr.	
H. Watt Hillman	Jos. P. Tackett	

—25

Those who voted in the negative were—

Leer Buckley	W. C. Farmer	Paul L. Sidebottom
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—3

Resolved that the title thereof be as aforesaid—

Senator R. C. Moss moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 364. An Act to repeal, amend and re-enact section

425 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to appointment of deputy constables, their powers, bonds, residence and manner of removal.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 425 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be and the same is repealed, amended, and re-enacted, so that when so amended and re-enacted, shall read as follows:

"Section 425: A constable may appoint one or more deputies, by and with the consent of the county judge, who shall have all the powers of constables, and the constable and his sureties shall be liable on his bond for all the acts and omissions of his deputies; but such deputy constables must be residents of the same districts wherein resides the constables by whom the same are appointed.

"Such deputy constables may be removed, at any time, at the will and pleasure of the constable, for any cause deemed sufficient by such constable, by order of the county court, entered after the filing of a written direction by the constable, so to do."

Senator Tackett moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leo King	John A. Sugg, Jr.
Paul M. Basham	J. W. McDonald	Jos. P. Tackett
Ollie J. Bowen	Stanley B. Mayer	J. E. Trager
Leer Buckley	Strother Melton	Ervine Turner
Dr. D. H. Bush	E. C. Moore	E. T. Wesley
Waller A. Crockett	J. Lee Moore	Otis White
W. C. Farmer	Dr. R. C. Moss	O. C. Whitfield
Lee Gibson	Ray B. Moss	B. M. Williams
John M. Hall	James C. Rogers	J. E. Wise
J. Joseph Hettinger	Ira W. See	
H. Watt Hillman	Paul L. Sidebottom	

—31

Resolved that the title thereof be as aforesaid—

Senator Tackett moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 417. An Act to promote the objects of the National Housing Act, as amended by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions and trustees and other fiduciaries to make loans which are eligible for insurance under the National Housing Act as amended, and by authorizing banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, trustees and other fiduciaries, the Commonwealth of Kentucky and any of

its political subdivisions or any agency or instrumentality thereof, to invest in mortgages insured and in debentures issued by the Federal Housing Administrator and to invest in securities of National Mortgage Associations, and to use mortgages insured or debentures issued by the Federal Housing Administrator and debentures issued by National Mortgage Associations as collateral or deposit security where required by any statute of this State; and repealing Chapter 11 of the Acts of the General Assembly of 1936; and declaring an emergency.

Said bill is as follows, viz;

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, and trustees, guardians, executors, administrators and other fiduciaries, subject to the laws of this State, are authorized:

(a) To make such loans and advances of credit and purchases of obligations representing loans and advances of credit as are eligible for credit insurance by the Federal Housing Administrator, and to obtain such insurance.

(b) To make such loans, secured by real property or leasehold, as the Federal Housing Administrator insures or makes a commitment to insure, and to obtain such insurance.

§ 2. It shall be lawful for banks, savings banks, trust companies, insurance companies, building and loan associations, credit unions, trustees, guardians, executors, administrators and other fiduciaries, subject to the laws of this State, the State of Kentucky and any of its political subdivisions, or any agency or instrumentality thereof, to invest their funds and the moneys in their custody or possession, eligible for investment, in notes or bonds secured by mortgage or trust deed insured by the Federal Housing Administrator, and in debentures issued by the Federal Housing Adminis-

trator, and also in securities issued by National Mortgage Associations.

§ 3. Wherever, by statute of this State, collateral is required as security for the deposit of public or other funds; or deposits are required to be made with any public official or department; or an investment of capital or surplus, or a reserve or other fund is required to be maintained consisting of designated securities, notes or bonds secured by mortgage or trust deed insured and debentures issued by the Federal Housing Administrator and debentures issued by National Mortgage Associations shall be considered eligible securities for such purpose.

§ 4. No law of this State requiring security upon which loans or investments may be made, or prescribing the nature, amount or form of such security, or prescribing or limiting interest rates upon loans or investments, or limiting investments of capital or deposits, or prescribing or limiting the period for which loans or investments may be made, shall be deemed to apply to loans or investments made pursuant to the provisions of this Act.

§ 5. This Act shall be construed as powers additional to and not in derogation of existing laws.

§ 6. *Chapter 11 of the Acts of the regular session of the 1936 General Assembly of Kentucky, hereby is repealed.*

§ 7. Whereas the Congress of the United States has enacted a law entitled the "National Housing Act", and certain amendments to said Act, to relieve unemployment by providing a system of mutual mortgage insurance and encouraging the construction of new homes and the improving of housing standards and conditions, and to prevent a recurrence of a collapse of the mortgage market and the distressed selling of homes by providing for national mortgage associations to assist in refinancing mortgages and to furnish a liquid market therefor, and whereas many investing institutions organized under the laws of this State are not author-

ized to invest in notes or bonds secured by mortgage or trust deed insured by the Federal Housing Administrator or in securities of national mortgage associations, and the market for said notes, bonds and securities is limited by the absence of such authority and whereas the said notes, bonds and other securities will provide a safe and readily marketable investment for all investors of this State by reason of the insurance fund and the supervision provided for by the National Housing Act, as amended, an emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval by the Governor.

Senator Barbour moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	W. C. Farmer	Leo King
Aubrey Barbour	Lee Gibson	J. W. McDonald
Paul M. Basham	Ralph Gilbert	Strother Melton
H. Stanley Blake	John M. Hall	E. C. Moore
Leer Buckley	H. Watt Hillman	J. Lee Moore
Dr. D. H. Bush	Wm. H. Jones, Jr.	Dr. R. C. Moss

Ray B. Moss	Jos. P. Tackett	Otis White
James C. Rogers	J. E. Trager	O. C. Whitfield
Ira W. See	Ervine Turner	B. M. Williams
Paul L. Sidebottom	Thomas O. Turner	J. E. Wise
John A. Sugg, Jr.	E. T. Wesley	—32

Resolved that the title thereof be as aforesaid—

Senator Barbour moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The President of the Senate vacated the Chair, and Senator Edwin C. Dawson, President Pro Tem of the Senate, occupied the Chair and presided.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 196. An Act to repeal, amend and re-enact Sections 3484, 3487, 3504, 3509, 3510 and 3531, Kentucky Statutes, Carroll's 1936 Edition, annotated by Baldwin, said sections being a part of chapter 241 of the Acts of 1893 of the General Assembly of the Commonwealth of Kentucky, and being respectively Sections 3, 6, 22, 27, 28, and 49 of said chapter; and repealing all acts and parts of acts in conflict with this act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3484, Kentucky Statutes, Carroll's 1936 edition, annotated by Baldwin, same being Section 3 of

chapter 241, Acts of the General Assembly of the Commonwealth of Kentucky for 1893, be and the same is hereby repealed, amended and reenacted, and as amended and reenacted, is as follows:

Section 3484. Mayor and Council; qualifications; elected. The legislative power shall be vested in a mayor, and not less than six nor more than twelve councilmen, as may be provided by ordinance; the members of the council shall be qualified voters in the city; residents of the ward for which they stand for at least six months prior to their election, if said city is divided into wards; hold no other civil office, nor be directly or indirectly interested in any contract with said city; nor be in arrears to said city for money collected or withheld without settlement or quietus therefor. The absence of any of these qualifications shall render a person ineligible as a member of such board; and it shall be the duty of the council so to declare, and proceed to fill the vacancy. The mayor shall be elected by the people, and shall hold his office for four years, and have the same qualifications as members of the council. Should any officer of said city be directly or indirectly interested as agent or principal in any contract with said city, or as surety on any such contract, he shall thereby vacate his office, and the contract, if entered into before said officer vacates his office, shall be null and void.

§ 2. All acts and parts of acts in conflict with this act are hereby repealed insofar as they conflict with this act.

Senator E. C. Moore moved that said bill be laid on the table.

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the affirmative were—

Aubrey Barbour	E. C. Moore	J. E. Wise
Dr. D. H. Bush	J. Lee Moore	

Those who voted in the negative were—

Wm. R. Attkisson	Leo King	J. E. Trager
Paul M. Basham	J. W. McDonald	Ervine Turner
Leer Buckley	Strother Melton	Thomas O. Turner
Waller A. Crockett	Ray B. Moss	E. T. Wesley
W. C. Farmer	James C. Rogers	Otis White
Lee Gibson	Ira W. See	O. C. Whitfield
John M. Hall	Paul L. Sidebottom	B. M. Williams
H. Watt Hillman	John A. Sugg, Jr.	
Wm. H. Jones, Jr.	Jos. P. Tackett	

—25

Whereupon, said motion was disagreed to.

Senator Whitfield moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Lee Gibson	Leo King
Paul M. Basham	John M. Hall	J. W. McDonald
Ollie J. Bowen	J. Joseph Hettinger	Strother Melton
Leer Buckley	H. Watt Hillman	J. Lee Moore
Waller A. Crockett	Wm. H. Jones, Jr.	James C. Rogers

Ira W. See	Thomas O. Turner	B. M. Williams	
John A. Sugg, Jr.	E. T. Wesley	J. E. Wise	
Jos. P. Tackett	Otis White		
Ervine Turner	O. C. Whitfield		—25

Those who voted in the negative were—

Aubrey Barbour	Dr. D. H. Bush	E. C. Moore	
H. Stanley Blake	W. C. Farmer		—5

Senator Wise moved that the vote by which said bill was passed be reconsidered.

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Waller A. Crockett	J. Lee Moore	
Ollie J. Bowen	W. C. Farmer	Thomas O. Turner	
Leer Buckley	Stanley B. Mayer	B. M. Williams	
Dr. D. H. Bush	E. C. Moore	J. E. Wise	—12

Those who voted in the negative were—

Wm. R. Attkisson	J. W. McDonald	E. T. Wesley	
Paul M. Basham	Strother Melton	Otis White	
Lee Gibson	James C. Rogers	O. C. Whitfield	
Wm. H. Jones, Jr.	Jos. P. Tackett		
Leo King	Ervine Turner		—13

Whereupon, said motion was disagreed to.

Resolved that the title thereof be as aforesaid.

Senator Whitfield moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 387. An Act to repeal, amend and re-enact Section 3142b-11, Kentucky Statutes, Baldwin's 1936 Revision.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section 3142b-11, Kentucky Statutes, Baldwin's 1936 Revision, be and the same is hereby repealed, amended and re-enacted so that when amended and re-enacted the same shall read as follows:

RETIREMENT AFTER FIFTEEN YEARS; PENSION.

Any member of the police or fire department of such cities, having served twenty (20) years or more and consecutively for the last five years of said twenty years; or any person who has served fifteen years and consecutively for the last five years of said fifteen years, who may have become so disabled as to render him unfit for such service, on proof of such disability may make application to be relieved from duty in said department and, upon it becoming established that his petition is founded upon conditions which reasonably entitle him to such leave, the Board of Trustees shall order and direct that such person be paid a monthly pension equal to one-half of the amount of the salary he is, or was, in receipt of as a member of such department.

It is further provided that the benefits provided for in this Act shall accrue to any person who, within the twelve months immediately preceding the adoption and approval of this Act, has been forced to retire from such service by reason of disability.

Senator Bowen moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Strother Melton	J. E. Trager
Aubrey Barbour	E. C. Moore	Ervine Turner
Ollie J. Bowen	J. Lee Moore	E. T. Wesley
Leer Buckley	Dr. R. C. Moss	Otis White
Waller A. Crockett	James C. Rogers	O. C. Whitfield
Lee Gibson	Ira W. See	B. M. Williams
John M. Hall	Paul L. Sidebottom	J. E. Wise
J. Joseph Hettinger	John A. Sugg, Jr.	
Leo King	Jos. P. Tackett	

—25

Resolved that the title thereof be as aforesaid—

Senator Bowen moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 253. An Act setting the time for renewing certificates and for meeting renewal requirements.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That the State Board of Education shall have authority to renew any certificate for teaching or for holding administrative position which expires on June 30 of any year provided renewal requirements have been completed and filed with the Superintendent of Public Instruction before September 1 of the year in which the certificate expires.

All laws and parts of laws in conflict with this act are hereby repealed.

Senator Williams moved the Previous Question.

Whereupon, the President Pro Tem of the Senate announced, "Shall the main question be no put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Paul L. Sidebottom
Aubrey Barbour	Wm. H. Jones, Jr.	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
Ollie J. Bowen	J. W. McDonald	J. E. Trager
Leer Buckley	Strother Melton	Ervine Turner
Dr. D. H. Bush	E. C. Moore	Thomas O. Turner
Waller A. Crockett	J. Lee Moore	E. T. Wesley
W. C. Farmer	Dr. R. C. Moss	Otis White
Lee Gibson	Ray B. Moss	O. C. Whitfield
John M. Hall	James C. Rogers	B. M. Williams
J. Joseph Hettinger	Ira W. See	J. E. Wise

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Resolved that the title thereof be as aforesaid—

Senator Williams moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

The President Pro Tem of the Senate, Senator Edwin C. Dawson, vacated the Chair, and President of the Senate resumed the Chair and presided.

Senator Sugg moved that the rules be suspended and the privilege of the floor be extended to Mr. J. Dan Talbott, Commissioner of Finance.

Said motion was unanimously agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 345. An Act to regulate the practice of profes-

sional engineering; creating a State Board of Registration for Professional Engineers; defining its powers and duties; imposing certain duties upon the State and political subdivision thereof in connection with public works; and providing penalties.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. *General Provisions*—That in order to safeguard life, health, and property, any person practicing or offering to practice professional engineering, shall hereafter be required to submit evidence that he is qualified so to practice and shall be registered as hereafter provided; and it shall be unlawful for any person to practice or to offer to practice in this State, professional engineering as defined in the provisions of this Act, or to use in connection with his name or otherwise assume, use, or advertise any title or description tending to convey the impression that he is a professional engineer, unless such person has been duly registered under the provisions of this Act.

§ 2. *Definitions—Engineer*—The term engineer as used in this Act shall mean a professional engineer as hereinafter defined.

Professional Engineer. The term professional engineer as used in this Act shall mean a person who is qualified by reason of his knowledge of mathematics, the physical sciences, and the principles of engineering, acquired by professional education and practical experience, to engage in the practice of professional engineering as hereinafter defined.

Engineering—The term engineering as used in this Act shall mean professional engineering as hereinafter defined.

Professional Engineering—The practice of professional engineering within the meaning and intent of this Act includes any professional service, such as consultation, investigation, evaluation, planning, design, or responsible supervision of

construction, or operation, in connection with any public or private utilities, structures, machines, equipment, processes, works, or projects, wherein the public welfare, or the safeguarding of life, health or property is concerned or involved, when such professional service requires the application of engineering principles and data.

Practice in Kentucky—The practice of professional engineering in Kentucky is hereby defined to include all professional services defined under “Professional Engineering” above together with the negotiation or solicitation for engineering work on any project within the boundaries of this state, regardless of whether the persons engaged in such practice are residents of Kentucky or have their principal office or place of business in this or any other state or country, and regardless of whether such persons are performing one or all of these duties, or whether they are performed in person or as the directing head of an office or organization performing them.

Act Inapplicable to Certain Operators, Etc.—The practice of professional engineering shall neither include the work ordinarily performed by persons who operate or maintain machinery or equipment, such as locomotive, stationary, marine or power plant operators, nor such work embraced within the practice of land surveying.

Board—The term “Board” as used in this Act shall mean the State Board of Registration for Professional Engineers, provided for by this Act.

§ 3. *Board—Appointments—Terms*—A State Board of Registration for Professional Engineers is hereby created whose duty it shall be to administer the provisions of this Act. The Board shall consist of five professional engineers, who shall be appointed by the Governor and shall have the qualifications required by Section 4. The members of the first Board shall be appointed within ninety days after the passage of this Act, to serve for the following terms: One member for one year, one member for two years, one member for

three years, and two members for four years, from the date of their appointment, or until their successors are duly appointed and qualified. Every member of the Board shall receive a certificate of his appointment from the Governor and before beginning his term of office shall file with the Secretary of State his written oath or affirmation for the faithful discharge of his official duty. Each member of the Board first appointed hereunder shall receive a certificate of registration under this Act from said Board. On the expiration of the term of any member, the Governor shall in the manner hereinbefore provided appoint for a term of four years a registered professional engineer, having the qualifications required by Section 4, to take the place of the member whose term on said Board is about to expire. Each member shall hold office until the expiration of the term for which such member is appointed or until a successor shall have been duly appointed and shall have qualified. At no time shall more than two members be appointed from the faculties of the Engineering Colleges of the Commonwealth. The Dean of the College of Engineering of the University of Kentucky shall be an ex officio member of the Board.

§ 4. *Board—Qualifications*—Each member of the Board shall be a citizen of the United States and a resident of this State for five years and shall have been engaged in the practice of the profession of engineering for at least twelve years, and shall have been in responsible charge of important engineering work for at least five years. Responsible charge of engineering teaching may be construed as responsible charge of important engineering work, provided that at no time shall more than two members whose qualifications are based on responsible charge of engineering teaching, be appointed to the Board. All members of the Board shall be registered Professional Engineers.

§ 5. *Compensation and Expenses*—Each member of the Board shall receive the sum of not more than Ten Dollars (\$10.00) per diem when actually attending to the work of the

Board or any of its committees and for the time spent in necessary travel; and, in addition thereto, shall be reimbursed for all actual traveling, incidental and clerical expenses necessarily incurred in carrying out the provisions of this Act.

§ 6. *Removal of Members—Vacancies*—The Governor may remove any member of the Board for any cause which he deems sufficient. Vacancies in the membership of the Board shall be filled for the unexpired term by appointment by the Governor as provided in Section 3.

§ 7. *Board—Organization and Meetings*—The Board shall hold a meeting within thirty days after its members are first appointed, and thereafter shall hold at least two regular meetings each year. Special meetings shall be held at such time as the by-laws of the Board may provide. Notice of all meetings shall be given in such manner as the by-laws may provide. The Board shall elect or appoint annually the following officers: A Chairman, a Vice-Chairman, and a Secretary-Treasurer. A quorum of the Board shall consist of not less than three members, but action shall not be deemed to have been taken upon any question unless there are at least three (3) votes in accord.

§ 8. *Board—Powers*—The Board shall have the power to adopt and amend all by-laws and rules of procedure, not inconsistent with the constitution and laws of this State, which may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The Board shall adopt and have an official seal.

In carrying into effect the provisions of this Act, the Board, under the hand of its Chairman and the seal of the Board, may subpoena witnesses and compel their attendance, and also may require the production of books, papers, documents, etc., in a case involving the revocation or registration or practicing or offering to practice without registration. Any member of the Board may administer oaths or affirmations to witnesses appearing before the Board. If any person shall refuse to obey any subpoena so issued, or shall refuse to tes-

tify or produce any books, papers, or documents, the Board may present its petition to such authority as may have jurisdiction, setting forth the facts, and thereupon such authority shall, in a proper case, issue its subpoena to such person, requiring his attendance before such authority and there to testify or to produce such books, papers, and documents, as may be deemed necessary and pertinent by the Board. Any person failing or refusing to obey the subpoena or order of the said authority may be proceeded against in the same manner as for refusal to obey any other subpoena or order of the authority.

§ 9. *Receipts and Disbursements*—The Secretary-Treasurer of the Board shall receive and account for all moneys collected under the provisions of this Act, and shall pay the same into the State Treasury monthly between the first and tenth of each month, to be credited to a revolving fund as provided in Section 14, Article 3 of the Budget and Financial Administration Act of 1934; and the amount so collected and paid into the State Treasury during each of the fiscal years ending June 30, 1939 and June 30, 1940, hereby is appropriated for the use and benefit of said Board. The withdrawal and use of said funds shall be in the manner authorized by said Budget and Financial Administration Act of 1934, and the "Governmental Reorganization Act" of 1936. The Board shall be subject to the provisions of Section 8, of Article 16 of said Reorganization Act.

The Secretary-Treasurer shall give a surety bond to the Board in such sum as the Board may determine. The premium on said bond shall be required as a proper necessary expense of the Board. The Secretary-Treasurer of the Board shall receive such salary as the Board shall determine, in addition to the compensation and expenses provided for in Section 5. The Board may employ such clerical or other assistants as are necessary for the proper performance of its work, and may make expenditures of this fund for any purpose which in the opinion of the Board is reasonably neces-

sary for the proper performance of its duties under this Act, including the expenses of the Board's delegates to National Conventions of, and membership dues to, the National Council of State Boards of Engineering Examiners or other affiliated National Boards or Societies. Under no circumstances is the Board authorized to contract any debt or incur any expense, which together with the expenses and compensation provided for in this Act, shall in the aggregate, exceed the amount of funds derived under the provisions of this Act.

§ 10. *Records and Reports*—The Board shall keep a record of its proceedings and a register of all applications for registration which register shall show (a) the name, age, and residence of each applicant; (b) the date of the application; (c) the place of business of such applicant; (d) his educational and other qualifications; (e) whether or not an examination was required; (f) whether the applicant was rejected; (g) whether a certificate of registration was granted; (h) the date of the action of the Board; and (i) such other information as may be deemed necessary by the Board.

The records of the Board shall be prima facie evidence of the proceedings of the Board set forth therein, and a transcript thereof, duly certified by the Secretary of the Board under seal, shall be admissible in evidence with the same force and effect as if the original were produced.

Annually, as of June 30, the Board shall submit to the Governor a report of its transactions of the preceding year, and shall also transmit to him a complete statement of the receipts and expenditures of the Board, attested by affidavits of its Chairman and Secretary-Treasurer.

§ 11. *Roster*—A roster showing the names and places of business of all registered professional engineers shall be published by the Secretary of the Board during the month of July of each year. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State, and furnished to the public upon request.

§ 12. *General Requirements for Registration*—The fol-

lowing shall be considered as minimum evidence satisfactory to the Board that the applicant is qualified for registration as a professional engineer, to-wit:

(a) *Graduation Plus Experience*—Graduation from an approved engineering curriculum of four years or more in a school or college approved by the Board as of satisfactory standing; and a specific record of an additional four years or more of experience in engineering work of a character satisfactory to the Board, and indicating that the applicant is competent to practice professional engineering (in counting years of experience, the Board at its discretion may give credit, not in excess of one year, for satisfactory graduate study in engineering); or

(b) *Examination Plus Experience*—Successfully passing a written, or written and oral, examination, designated to show knowledge and skill approximating that attained through graduation from an approved four-year engineering curriculum; and a specific record of eight years or more of experience in engineering work of a character satisfactory to the Board and indicating that the applicant is competent to practice professional engineering.

(c) *Engineers of Long Established Practice*—A specific record of twelve years or more of lawful practice in professional engineering work of a character satisfactory to the Board and indicating that the applicant is qualified to design or to supervise construction of engineering works and provided applicant is not less than thirty years of age.

Character—No person shall be eligible for registration as a professional engineer, who is not of good character and reputation. The conviction on any felonious charge or having at any time been legally proven mentally incompetent shall make any applicant ineligible under this section.

Teaching Credits—In considering the qualifications of applicants, engineering teaching may be construed as engineering experience.

Education Credits—The satisfactory completion of each

year of an approved curriculum in engineering in a school or college approved by the Board as of satisfactory standing, without graduation, shall be considered as equivalent to a year of experience in Section 12, (1) b. Graduation in a curriculum other than engineering from a college or University of recognized standing may be considered as equivalent to two years of experience in Section 12 (1) b; provided; however, that no applicant shall receive credit for more than four years of experience because of undergraduate educational qualifications.

Work as Contractor—The mere execution, as a contractor, of work designed by a professional engineer, or the supervision of the construction of such work as a foreman or superintendent shall not be deemed to be practice in professional engineering.

Non-Practicing Applicants—Any person having the necessary qualifications prescribed in this Act to entitle him to registration shall be eligible for such registration although he may not be practicing his profession at the time of making his application.

Corporations Cannot Register—The practice of engineering is a professional service, admission to which shall be determined upon a basis of individual, personal qualifications. No firm, company, partnership or corporation can be registered.

Liability of Representatives of Non-Registered Persons—It shall be hereafter unlawful for any person, firm or corporation to avoid, or seek to avoid, the provisions of this Act by having a representative or employee seek engineering work in their behalf, or for them, unless, and until such persons have duly qualified and become registered; otherwise both those represented and the representative, the employer and employee, shall be deemed equally guilty of violation of this Act. Solicitation of engineering work shall be construed as offering to practice professional engineering and it shall be unlawful for any but registered engineers to do so.

§ 13. *Applications and Registration Fees*—Applications for registration shall be on forms prescribed and furnished by the Board, shall contain statements made under oath, showing the applicant's education and detail summary of his technical work, and shall contain not less than five references, of whom three or more shall be engineers having personal knowledge of his engineering experience.

The registration fee for professional engineers shall be not to exceed twenty-five dollars (\$25.00), not to exceed fifteen dollars (\$15.00), of which shall accompany application, the remainder to be paid at such time or times as may be determined by the Board. When a Certificate of Qualification issued by the National Bureau of Engineering Registration is accepted as evidence of qualification, the total fee for registration as professional engineer shall be not to exceed ten dollars (\$10.00).

Should the Board deny the issuance of a certificate of registration to any applicant the initial fee deposited shall be retained as an application fee.

§ 14. *Examinations*—When oral or written examinations are required, they shall be held at such time and place as the Board shall determine. If examinations are required on fundamental engineering subjects (such as are ordinarily given in college curricula) the applicant shall be permitted to take this part of the professional examination prior to his completion of the requisite years of experience in engineering work, and satisfactory passage of this portion of the professional examination by the applicant shall constitute a credit for a period of ten years.

The scope of the examinations and the methods of procedure shall be prescribed by the Board with special reference to the applicant's ability to design and supervise engineering works so as to insure the safety of life, health, and property. Examinations shall be given for the purpose of determining the qualifications of applicants for registration in profes-

sional engineering. A candidate failing an examination may apply for re-examination at the expiration of six months and will be re-examined without payment of additional fee. Subsequent examinations will be granted upon payment of a fee to be determined by the Board.

§ 15. *Certificate—Seals*—The Board shall issue a certificate of registration upon payment of registration fee as provided for in this Act, to any applicant who, in the opinion of the Board, has satisfactorily met all the requirements of this Act. The Board shall be authorized to designate the various recognized branches of professional engineering and to classify the applicant in the branch or branches in which he is qualified to practice. The certificate shall authorize the practice of “professional engineering” in the branch or branches granted. Certificates of registration shall show the full name of the registrant, shall have a serial number, and shall be signed by the Chairman and the Secretary-Treasurer of the Board under seal of the Board.

The issuance of a certificate of registration by this Board shall be prima facie evidence that the person named therein is entitled to all the rights and privileges of a registered professional engineer, while the said certificate remains unrevoked or unexpired.

Each registrant hereunder shall upon registration obtain a seal of the design authorized by the Board, bearing the registrant’s name and the legend, “Registered Professional Engineer.” Plans, specifications, plats, and reports approved by a registrant shall be stamped with the said seal when filed with public authorities, during the life of the registrant’s certificate, but it shall be unlawful for any one to stamp or seal any documents with said seal after the certificate of the registrant named thereon has expired or has been revoked, unless said certificate shall have been renewed or re-issued.

§ 16. *Expirations and Renewals*—Certificates of registration shall expire on the last day of the month of June fol-

lowing their issuance or renewal and shall become invalid on that date unless renewed. It shall be the duty of the Secretary-Treasurer of the Board to notify every person registered under this Act, of the date of the expiration of his certificate and the amount of the fee that shall be required for its renewal for one year; such notice shall be mailed at least one month in advance of the date of the expiration of said certificate. Renewals may be effected at any time during the month of June by the payment of a fee not to exceed ten dollars (\$10.00). The failure on the part of any registrant to renew his certificate annually in the month of June as required above shall be not deprive such person of the right of renewal, but the fee to be paid for the renewal of a certificate after the month of June shall be increased ten per cent for each month or fraction of a month that payment of renewal is delayed; provided, however, that the maximum fee for delayed renewal shall not exceed twice the normal renewal fee. Registrants failing to renew certificates within one year after expiration shall be required to furnish the Board with satisfactory evidence that they are of good character and reputation and have continued to uphold the ethics of the profession. If the evidence submitted is unsatisfactory to three (3) or more members of the Board the Certificate of Registration will not be renewed.

§ 17. *Practitioners at Time Act Became Effective*—At any time within one year after this Act becomes effective, upon due application therefor and the payment of the registration fee not to exceed fifteen dollars (\$15.00) for professional engineers, the Board shall issue a certificate of registration, without oral or written examination, to any professional engineer who shall submit evidence under oath satisfactory to the Board that he is of good character, has been a resident of the State of Kentucky for at least one year immediately prior to the effective date of this Act, and was practicing professional engineering at the time this Act became effective, and has performed work of a character satisfactory to the Board.

After this Act shall have been in effect one year, the Board shall issue certificates of registration only as provided for in Section 12 or Section 19 thereof.

§ 18. *Public Work*—After the first day of May, one thousand nine hundred and thirty-nine, it shall be unlawful for this State or for any of its political sub-divisions, such as a county, city, town, township, or borough to engage in the construction of any public work involving professional engineering, unless the plans, specifications, and estimates have been prepared and the construction executed under the direct supervision of a registered professional engineer or a registered architect: provided, that nothing in this Section shall be held to apply to any public work wherein the contemplated expenditure for the completed project does not exceed two thousand dollars (\$2,000.00); and also provided, that nothing in this section shall be held to apply to the maintenance or repair of any existing state or county highway. Nothing in this Act shall be construed as excluding a registered architect from such engineering practice as may be incident to the practice of his profession; or as excluding a professional engineer registered under the provisions of this Act, from such architectural practice as may be incident to the practice of professional engineering.

§ 19. *Reciprocity*—The Board may, upon application therefor, and the payment of a fee not to exceed ten dollars (\$10.00), issue a Certificate of Registration as a Professional Engineer to any person who holds a Certificate of Qualification or Registration issued to him by proper authority of the National Council of State Boards of Engineering Examiners, or of the National Bureau of Engineering Registration, or of any State or Territory or Possession of the United States, or of any Country, provided that the requirements for the registration of professional engineers under which said Certificate of Qualification or Registration was issued do not conflict with the provisions of this Act and are of a standard not

lower than that specified in Section 12 of this Act. The Board shall have the power to set up all rules and regulations governing the matter of reciprocity with other states and countries.

§ 20. *Revocations*—The Board shall have the power to revoke the certificate of registration of any registrant who is found guilty of:

(a) The practice of any fraud or deceit in obtaining a certificate of registration;

(b) Any gross negligence, incompetency, or misconduct in the practice of professional engineering as a registered professional engineer.

Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing, and shall be sworn to by the person making them and shall be filed with Secretary-Treasurer of the Board.

All charges, unless dismissed by the Board as unfounded or trivial, shall be heard by the Board within three months after the date on which they shall have been preferred.

The time and place for said hearing shall be fixed by the Board, and a copy of the charges, together with a notice of the time and place of hearing, shall be personally served on or mailed to the last known address of such registrant, at least thirty days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defence.

If, after such hearing, three or more members of the Board vote in favor of finding the accused guilty, the Board shall revoke the certificate of registration of such registered professional engineer.

Reissuance of Certificates—The Board, for reasons it may deem sufficient, may re-issue a certificate of registration

to any person whose certificate has been revoked, providing three or more members of the Board vote in favor of such re-issuance. A new certificate of registration, to replace any certificate revoked, lost, destroyed, or mutilated, may be issued, subject to the rules of the Board, and a charge of not to exceed three dollars (\$3.00) shall be made for such issuance.

Appeals—Any person who shall feel aggrieved by any action of the Board in denying or revoking his certificate of registration may appeal therefrom to the Circuit Court held in Frankfort, Ky., and, after full hearing, said Court shall make such decree sustaining or reversing the action of the Board as to it may seem just and proper.

§ 21. *Violations and Penalties*—Any person who shall practice, or offer to practice, professional engineering in this State without being registered in accordance with the provisions of this Act, or any person presenting or attempting to use as his own the certificate of registration or the seal of another, or any person who shall give any false or forged evidence of any kind to the Board, or to any member thereof in obtaining a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired or revoked certificate of registration, or any person, firm, or corporation who shall furnish free engineering services as a part of any other contract so drawn as to defeat the spirit of this Act, or any person who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and shall, upon conviction, be sentenced to pay a fine of not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00), or suffer imprisonment for a period not exceeding three months, or both.

The Board, or such person or persons designated by the Board, is empowered to prefer charges for any of the above violations in any Circuit Court of the state. When such charges have been properly brought it shall be the duty of the

Commonwealth's Attorney of any Circuit Court District to enforce the provisions of this Act and to prosecute any person violating the same. The Attorney General of the State, or his assistant, shall act as legal advisor of the Board and render such legal assistance as may be necessary in carrying out the provisions of this Act. The Board may, at its discretion, employ such other legal assistance as it may deem necessary.

§ 22. *Saving Clause*—This Act shall not be construed to prevent or to affect:

(a) *Other Professions or Trades*—The practice of any other legally recognized profession or trade; or

(b) *Employees and Subordinates*—The engaging in engineering as a pupil of, or under the direction of a registered professional engineer, provided that said practice may not include responsible charge of design or supervision as principal; or

(c) *Government Officers and Employees*—The practice of officers and employees of the Government of the United States while engaged within this State in the practice of the profession of engineering for said Government; or

(d) Nothing in this Act shall be construed as requiring registration for the purpose of practicing professional engineering by an individual, firm or corporation on property owned or leased by said individual, firm or corporation unless the same involves the public safety or public health; or for the performance of engineering which relates solely to the design or fabrication of manufactured products; or

(e) An engineer engaged solely as an officer or employee of a privately owned public utility; or as an officer or employee of a corporation engaged in interstate commerce as defined in the Act of Congress, entitled "An Act to Regulate Commerce" approved February 4, one thousand eight hundred and eighty-seven as amended; or

(f) The practice of any elective officer of the State,

County, or other political subdivision while carrying out the duties of the office to which he was elected.

§ 23. *Quarters*—Suitable office quarters shall be provided by the Board at its own expense.

§ 24. *Invalid Section*—If any Section or Sections of this Act shall be declared unconstitutional or invalid, this shall not invalidate any other Section of this Act.

§ 25. *Repeal of Conflicting Legislation*—All laws or parts of laws in conflict with the provisions of this Act shall be and the same are hereby, repealed.

§ 26. *Short Title*—This Act may be cited as “The Engineering Act of 1938”.

Senator Sugg moved the previous question.

Whereupon, the President of the Senate announced, “Shall the main question be now put?”

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	J. Joseph Hettinger	Strother Melton
Leer Buckley	H. Watt Hillman	Ray B. Moss
Lee Gibson	Wm. H. Jones, Jr.	James C. Rogers
John M. Hall	Leo King	Paul L. Sidebottom

John A. Sugg, Jr.	Ervin Turner	B. M. Williams	
Jos. P. Tackett	Thomas O. Turner		
J. E. Trager	O. C. Whitfield		—19

Those who voted in the negative were—

Aubrey Barbour	E. C. Moore	J. E. Wise	
Waller A. Crockett			—4

Resolved that the title thereof be as aforesaid—

Senator Sugg moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 314. An Act permitting a county board of education to levy a general tax of not more than the maximum levy for county school districts increased by not more than the lowest of the subdistrict levies.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

In every county school district where all of the subdistricts thereof levy a special tax, the board of education of the county district may, in its option, abolish all of the special levies of the subdistricts and in lieu of the said special levy and the regular county levy the county board of education may levy a general tax of not more than the maximum levy for county school districts increased by not more than the lowest of the subdistrict levies.

Senator Crockett moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and rejected.

The yeas and nays being taken thereon in accordance with provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Paul L. Sidebottom
Paul M. Basham	J. Joseph Hettinger	Jos. P. Tackett
Leer Buckley	Strother Melton	J. E. Trager
Dr. D. H. Bush	Ray B. Moss	Ervine Turner
Waller A. Crockett	Ira W. See	B. M. Williams

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Those who voted in the negative were—

Aubrey Barbour	H. Watt Hillman	Thomas O. Turner
H. Stanley Blake	Wm. H. Jones, Jr.	E. T. Wesley
Ollie J. Bowen	Leo King	Otis White
Edwin C. Dawson	E. C. Moore	O. C. Whitfield
W. C. Farmer	J. Lee Moore	J. E. Wise
Lee Gibson	James C. Rogers	

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At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 63. An Act to provide for the creation and organi-

zation of a Zoning Commission in cities of the third, fourth, fifth and sixth classes; to prescribe and regulate the powers and duties and procedure of such commission; to provide for the appointment of a board of adjustment and define the powers and prescribe the procedure of such board; to provide for an appeal from the orders, decisions or rulings of the board of or any ordinance or regulation made under authority conferred thereby, and also to provide a remedy by proceedings in Court for an injunction or other similar relief.

Said bill is as follows, viz.:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. GRANT OF POWER.—For the purpose of promoting health, safety, morals, or the general welfare of the community, the legislative body of cities of the third, fourth, fifth and sixth classes are hereby empowered to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

§ 2. DISTRICTS.—For any or all of said purposes the local legislative body may divide the municipality into districts of such number, shape, and area as may be deemed best suited to carry out the purposes of this act; and within such districts it may regulate and restrict the erection, construction, alteration, repair, or use of buildings, structures, or land. All such regulations shall be uniform for each class or kind of buildings throughout each district, but the regulations in one district may differ from those in other districts.

§ 3. PURPOSES IN VIEW.—Such regulations shall be made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent

the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout such municipality.

§ 4. METHOD OF PROCEDURE.—The legislative body of such municipality shall provide for the manner in which such regulations and restrictions and the boundaries of such districts shall be determined, established, and enforced, and from time to time amended, supplemented, or changed. However, no such regulation, restriction, or boundary shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days prior to such hearing one notice shall be published in an official newspaper, or paper of general circulation in such municipality, stating the time and place of such hearing.

§ 5. CHANGES.—Such regulations, restrictions, and boundaries may from time to time be amended, supplemented, changed, modified, or repealed. In case, however, of a protest against such change, signed by the owners of 35 per cent or more either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of such opposite lots, such amendment shall not become effective except by the favorable vote of three-fourths of all the members of the legislative body of such municipality. The provisions of the previous section relative to public hearings and official notice shall apply equally to all changes or amendments.

§ 6. ZONING COMMISSION.—In order to avail itself of the powers conferred by this act, such legislative body shall

appoint a commission, to be known as the zoning commission, to recommend the boundaries of the various original districts and appropriate regulations to be enforced therein. Such commission shall make a preliminary report and hold public hearings thereon before submitting its final report, and such legislative body shall not hold its public hearings or take action until it has received the final report of such commission. Where a city planning commission already exists, or later is set up, it shall be appointed as the zoning commission.

§ 7. BOARD OF ADJUSTMENT.—Such local legislative body may provide for the appointment of a board of adjustment, and in the regulations and restrictions adopted pursuant to the authority of this act may provide that the said board of adjustment may, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance in harmony with its general purpose and intent and in accordance with general or specific rules therein contained.

The board of adjustment shall consist of five members, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this act. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record.

Appeals to the board of adjustment may be taken by any

person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board of adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the board of adjustment after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.

The board of adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney.

The board of adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this act or of any ordinance adopted pursuant thereto.

2. To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinance.

3. To authorize upon appeal in specific cases such variance from the terms of the ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the ordinance will re-

sult in unnecessary hardship, and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above-mentioned powers such board may, in conformity with the provisions of this act, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

The concurring vote of four members of the board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

Any person or persons, jointly or severally, aggrieved by any decision of the board of adjustment, or any taxpayer, or any officer, department, board, or bureau of the municipality, may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the office of the board.

Upon the presentation of such petition the court may allow a writ of certiorari directed to the board of adjustment to review such decision of the board of adjustment and shall prescribe therein the time within which a return thereto must be made and served upon the relator's attorney, which shall not be less than 10 days and may be extended by the court. The allowance of the writ shall not stay proceedings upon the decision appealed from, but the court may, on application, on notice to the board and due cause shown, grant a restraining order.

The board of adjustment shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such por-

tions thereof as may be called for by such writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

If, upon the hearing, it shall appear to the court that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take such evidence as it may direct and report the same to the court with his findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

Costs shall not be allowed against the board unless it shall appear to the court that it acted with gross negligence, or in bad faith, or with malice in making the decision appealed from.

All issues in any proceeding under this section shall have preference over all other civil actions and proceedings.

§ 8. ENFORCEMENT AND REMEDIES.—The local legislative body may provide by ordinance for the enforcement of this act and of any ordinance or regulation made thereunder. A violation of this act or of such ordinance or regulation is hereby declared to be a misdemeanor, and such local legislative body may provide for the punishment thereof by fine or imprisonment or both. It is also empowered to provide civil penalties for such violation.

In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained, or any building, structure, or land is used in violation of this act or of any ordinance or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use, to restrain, correct or abate such

violation to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about such premises.

§ 9. CONFLICT WITH OTHER LAWS.—Wherever the regulations made under authority of this act require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this act shall govern. Wherever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces, or require a lower height of building or a less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this act, the provisions of such statute or local ordinance or regulation shall govern.

§ 10. SAVING CLAUSE.—The invalidity of any provision of this act shall not affect the validity of any other provision.

§ 11. REPEALING CLAUSE.—All laws and parts of laws in conflict herewith, except as noted in Section 9 of this act, are hereby repealed.

§ 12. TIME OF TAKING EFFECT.—This act shall take effect and be in force from and after its passage.

Senator Sidebottom moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Ollie J. Bowen	Stanley B. Mayer	Paul L. Sidebottom
Leer Buckley	Strother Melton	Jos. P. Tackett
Dr. D. H. Bush	J. Lee Moore	J. E. Trager
Waller A. Crockett	Dr. R. C. Moss	Thomas O. Turner
Ralph Gilbert	Ray B. Moss	B. M. Williams
John M. Hall	James C. Rogers	—17

Those who voted in the negative were—

Wm. R. Attkisson	Leo King	E. T. Wesley
Paul M. Basham	E. C. Moore	Otis White
Stanley H. Blake	Ira W. See	
W. C. Farmer	Ervine Turner	—10

Resolved that the title thereof be as aforesaid—

Senator Sidebottom moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 66. An Act to provide for city and regional plan-

ning in cities of the third, fourth, fifth and sixth classes; the creation, organization, and powers of planning commissions; the regulation of subdivision of land and the acquisition of right to keep planned streets free from buildings; and providing penalties for violation of this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Definitions.

TITLE I.—MUNICIPAL PLANNING AND PLANNING COMMISSIONS

2. Grant of power to municipality.
3. Personnel of the commission.
4. Organization and rules.
5. Staff and finances.
6. General powers and duties.
7. Purposes in view.
8. Procedure of commission.
9. Legal status of official plan.
10. Miscellaneous powers and duties of commission.
11. Zoning.

TITLE II.—SUBDIVISION CONTROL

12. Subdivision jurisdiction.
13. Scope of control of subdivisions.
14. Subdivision regulations.
15. Procedure, legal effect of approval of plat.
16. Penalties for transferring in unapproved subdivisions.
17. County recorder's duties.
18. Improvements in unapproved streets.
19. Erection of buildings.
20. Status of existing platting statutes.

TITLE III.—BUILDINGS IN MAPPED STREETS

21. Reservation of locations of mapped streets for future public acquisitions.
22. Compensation for such reservations.
23. Report of appraisers and council's action.
24. Appeal from compensation awards.
25. No compensation for buildings in reserved street locations.

TITLE IV.—REGIONAL PLANNING AND PLANNING COMMISSIONS

26. Creation of commission.
27. Organization of commission.
28. Powers and duties of the commission.
29. Certification of the regional plan.
30. Adoption of regional plan by municipalities.
31. Legal status of regional plan.

TITLE V.—MISCELLANEOUS PROVISIONS

32. Saving clause.
33. Repeal.
34. Time of taking effect.

§ 1. *Definitions.*—For the purpose of this act certain terms are defined as provided in this section. Wherever appropriate the singular includes the plural and the plural includes the singular. "Municipality" or "municipal" includes or relates to cities of the third, fourth, fifth, and sixth classes. "Mayor" means the chief executive of the municipality, whether the official designation of his office be mayor, city manager, or otherwise. "Council" means the chief legislative body of the municipality. "County Commissioners" means the chief administrative or legislative body or board of the county. The term "streets" includes streets, avenues, boulevards, roads, lanes, alleys, viaducts, and other ways. "Sub-division" means the division of a lot, tract, or parcel of land

into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or of building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

TITLE I.—MUNICIPAL PLANNING AND PLANNING COMMISSIONS

§ 2. *Grant of Power to Municipality.*—Any municipality of the third, fourth, fifth, or sixth class is hereby authorized and empowered to make, adopt, amend, extend, add to, or carry out a municipal plan as provided in this act and create by ordinance a planning commission with the powers and duties herein set forth. The planning commission of a city of the third, fourth, or fifth class shall be designated city planning commission; of a town of the sixth class, town planning commission.

§ 3. *Personnel of the Commission.*—The commission shall consist of seven members, namely, the mayor, one of the administrative officials of the municipality selected by the mayor, and a member of council to be selected by it as members ex-officio, and four persons who shall be appointed by the mayor, if the mayor be an elective officer, otherwise by such officer as council may in the ordinance creating the commission designate as the appointing power. All members of the commission shall serve as such without compensation, and the appointed members shall hold no other municipal office, except that one of such appointed members may be a member of the zoning board of adjustment or appeals. The terms of ex-officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the mayor shall terminate with the term of the mayor selecting him. The term of each appointed member shall be six years or until his successor takes office, except that the respective terms of five of the members first appointed shall be one, two, three, and four years. Members

other than the member selected by council may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, of malfeasance in office. Council may for like cause remove the member selected by it. The mayor or council, as the case may be, shall file a written statement or reasons for such removal. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of members selected or appointed by him, by council in the case of the councilmanic member, and by the appointing power designated by council in municipalities in which the mayor is not an elective officer.

§ 4. *Organization and Rules.*—The commission shall elect its chairman from amongst the appointed members and create and fill such other of its offices as it may determine. The term of chairman shall be one year, with eligibility for re-election. The commission shall hold at least one regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record.

§ 5. *Staff and Finances.*—The commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion, and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the municipality. The commission may also contract with city planners, engineers, architects, and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by council, which shall provide the funds, equipment, and accommodations necessary for the commission's work.

§ 6. *General Powers and Duties.*—It shall be the function and duty of the commission to make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of such

municipality. Such plan, with the accompanying maps, plats, charts, and descriptive matter shall show the commission's recommendations for the development of said territory, including, among other things, the general location, character, and extent of streets, viaducts, subways, bridges, waterways, water fronts, boulevards, parkways, playgrounds, squares, parks, aviation fields, and other public ways, grounds and open spaces, the general location of public buildings and other public property, and the general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes; also the removal, relocation, widening, narrowing, vacating, abandonment, change of use or extension of any of the foregoing ways, grounds, open spaces, buildings, property, utilities, or terminals; as well as a zoning plan for the control of the height, area, bulk, location, and use of buildings and premises. As the work of making the whole master plan progresses, the commission may from time to time adopt and publish a part or parts thereof, any such part to cover one or more major sections or divisions of the municipality or one or more of the aforesaid or other functional matters to be included in the plan. The commission may from time to time amend, extend, or add to the plan.

§ 7. *Purposes in View.*—In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from

fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

§ 8. *Procedure of Commission.*—The commission may adopt the plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the municipality or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition the commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the municipality. The adoption of the plan or of any part or amendment or extension or addition shall be by resolution of the commission carried by the affirmative votes of not less than five members of the commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the chairman and/or secretary of the commission. An attested copy of the plan or part thereof shall be certified to council and to the county recorder.

§ 9. *Legal Status of Official Plan.*—Whenever the commission shall have adopted the master plan of the municipality or of one or more major sections or districts thereof no street, square, park, or other public way, ground, or open space, or public building or structure, of public utility, whether publicly or privately owned, shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof shall

have been submitted to and approved by the commission; Provided, That in case of disapproval the commission shall communicate its reasons to council, which shall have the power to overrule such disapproval by a recorded vote of not less than two-thirds of its entire membership: Provided, however, That if the public way, ground, space, building, structure, or utility be one the authorization or financing of which does not, under the law or charter provisions governing same, fall within the province of the municipal council, then the submission to the planning commission shall be by the board, commission, or body having such jurisdiction, and the planning commission's disapproval may be overruled by said board, commission, or body by a vote of not less than two-thirds of its membership. The failure of the commission to act within sixty days from and after the date of official submission to the commission shall be deemed approval.

§ 10. *Miscellaneous Powers and Duties of Commission.*

—The commission shall have power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. Members of the commission, when duly authorized by the commission, may attend city planning conferences or meetings of city planning institutes or hearings upon pending city planning legislation, and the commission may, by resolution spread upon its minutes, pay the reasonable traveling expenses incident to such attendance. The commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and with citizens with relation to the protecting or carrying out of the plan. The commission shall have the right to accept and use gifts for the exercise of its functions. All public officials shall, upon request, furnish to the commis-

sion, within a reasonable time, such available information as it may require for its work. The commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes of this act.

§ 11. *Zoning*.—The commission shall have all powers heretofore or hereafter granted by law to a zoning commission of cities of the third, fourth, fifth, or sixth class, and, from and after the creation of a planning commission in such municipality, all powers and records of the zoning commission shall be transferred to the planning commission.

TITLE II.—SUBDIVISION CONTROL

§ 12. *Subdivision Jurisdiction*.—The territorial jurisdiction of any municipal planning commission over the subdivision of land shall include all land located in the municipality and all land lying within five (5) miles of the corporate limits of the municipality and not located in any other municipality, except that, in the case of any such nonmunicipal land lying within five (5) miles of more than one municipality having a planning commission, the jurisdiction of each such municipal planning commission shall terminate at a boundary line equi-distant from the respective corporate limits of such municipalities.

§ 13. *Scope of Control of Subdivisions*.—Whenever a planning commission shall have adopted a major street plan of the territory within its subdivision jurisdiction or part thereof, and shall have filed a certified copy of such plan in the office of the county recorder of the county in which such territory or part is located, then no plat of a subdivision of land within such territory or part shall be filed or recorded

until it shall have been approved by such planning commission and such approval entered in writing on the plat by the chairman or secretary of the commission.

§ 14. *Subdivision Regulations.*—Before exercising the powers referred to in Section 13, the planing commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets, in relation to other existing or planned streets, and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots.

Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for a tentative approval of the plat previous to such installation; but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the commission may accept a bond with surety to secure to the municipality the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission. The municipality is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies.

All such regulations shall be published as provided by law for the publication of ordinances, and, before adoption, a public hearing shall be held thereon. A copy thereof shall be certified by the commission to the recorders of the counties in which the municipality and territory are located.

§ 15. *Procedure, Legal Effect of Approval of Plat.*—The planning commission shall approve or disapprove a plat

within thirty (30) days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand: Provided, however, That the applicant for the commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address of a person to whom notice of a hearing shall be sent; and no plat shall be acted on by the commission without affording a hearing thereon. Notice shall be sent to the said address by registered mail of the time and place of such hearing not less than five (5) days before the date fixed therefor. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear from the plats in the county auditor's office and their addresses appear in the directory of the municipality or on the tax records of the municipality or county. Every plat approved by the commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the municipal plan and part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The planning commission may, from time to time, recommend to council amendments of the zoning ordinance or map or additions thereto to conform to the commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions. The commission shall have the power to agree with the applicant upon use, height, area or bulk requirements or restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the municipality. Such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and

be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the zoning ordinance or map of the municipality.

§ 16. *Penalties for Transferring Lots in Unapproved Subdivisions.*—Whoever, being the owner or agent of the owner of any land located within a subdivision, transfers or sells, or agrees to sell or negotiates to sell any land by reference to or exhibition of or by other use of a plat of a subdivision, before such plat has been approved by the planning commission and recorded or filed in the office of the appropriate county recorder, shall forfeit and pay a penalty of \$100.00 for each lot or parcel so transferred or sold or agreed or negotiated to be sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided. The municipal corporation may enjoin such transfer or sale or agreement by action for injunction brought in any court of equity jurisdiction or may recover the said penalty by a civil action in any court of competent jurisdiction.

§ 17. *County Recorder's Duties.*—A county recorder who files or records a plat of a subdivision without the approval of the planning commission as required by law shall be deemed guilty of a misdemeanor and shall be fined not less than \$100.00 nor more than \$500.00.

§ 18. *Improvements in Unapproved Streets.*—The municipality shall not accept, lay out, open, improve, grade pave, curb, or light any street, or lay or authorize water mains or sewers or connections to be laid in any street, within any portion of territory for which the planning commission shall have adopted a major street plan, unless such street (a) shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to the adoption

of such plan, or unless such street (b) corresponds with a street shown on the official master plan or with a street on a subdivision plat approved by the planning commission or with a street on a street plat made by and adopted by the commission. Council may, however, accept any street not shown on or not corresponding with a street on the official master plan or on an approved subdivision plat or an approved street plat, provided the ordinance or other measure accepting such street be first submitted to the municipal planning commission for its approval and, if approved by the commission, be enacted or passed by not less than a majority of the entire membership of council or, if disapproved by the commission, be enacted or passed by not less than two-thirds of the entire membership of council. A street approved by the planning commission upon submission by council, or a street accepted by a two-thirds vote after disapproval by the planning commission, shall thereupon have the status of an approved street as fully as though it had been originally shown on the official master plan or on a subdivision plat approved by the commission or had been originally platted by the commission.

§ 19. *Erection of Buildings.*—From and after the time when the planning commission shall have adopted a major street plan of the territory within its subdivision jurisdiction or part thereof, no building shall be erected on any lot within such territory or part, nor shall a building permit be issued therefor unless the street giving access to the lot upon which such building is proposed to be placed (a) shall have been accepted or opened as or shall otherwise have received the legal status of a public street prior to that time, or unless such street (b) correspond with a street shown on the official master plan or with a street on a subdivision plat approved by the planning commission or with a street on a street plat made by and adopted by the commission or with a street accepted by council, after submission to the planning commission, by the favorable vote required in Section 18 of this act. Any build-

ing erected in violation of this section shall be deemed an unlawful structure, and the building inspector or other appropriate official may cause it to be vacated and have it removed.

§ 20. *Status of Existing Platting Statutes.*—From and after the time when a planning commission shall have control over subdivisions as provided in Section 13 of this act, the jurisdiction of the planning commission over plats shall be exclusive within the territory under its jurisdiction, and all statutory control over plats or subdivisions of land granted by other statutes shall in so far as in harmony with the provisions of this act be deemed transferred to the planning commission of such municipality, and, in so far as inconsistent with the provisions of this act, are hereby repealed.

TITLE III.—BUILDINGS IN MAPPED STREETS

§ 21. *Reservation of Locations of Mapped Streets for Future Public Acquisitions.*—Any municipal planning commission is empowered, after it shall have adopted a major street plan of the territory within its subdivision jurisdiction or of any major section or district thereof, to make or cause to be made, from time to time, surveys for the exact location of the lines of a street or streets in any portion of such territory and to make a plat of the area or district thus surveyed, showing the land which it recommends be reserved for future acquisition, for public streets. The commission, before adopting any such plat, shall hold a public hearing thereon, notice of the time and place of which, with a general description of the district or area covered by the plat, shall be given not less than 10 days previous to the time fixed therefor by one publication in a newspaper of general circulation in the municipality if the district or area be within the municipality, or of general circulation in the county if the district or area be outside of the municipality. After such a hearing the commission may transmit the plat, as originally made or modified as may be determined by the commission, to council, together with the

commission's estimate of the time or times within which the lands shown on the plat as street locations should be acquired by the municipality. Thereupon by resolution, council may approve and adopt or may reject such plat or may modify it with the approval of the planning commission, or, in the event of the planning commission's disapproval, council may, by a favorable vote of not less than two-thirds of its entire membership, modify such plat and adopt the modified plat. In the resolution of adoption of a plat council shall fix the period of time for which the street locations shown upon the plat shall be deemed reserved for future taking or acquisition for public use. Upon such adoption the clerk of council shall transmit one attested copy of the plat to the county recorder of each county in which the platted land is located and retain one copy for the purpose of public examination and hearings of claims for compensation. Such approval and adoption of a plat shall not, however, be deemed the opening or establishment of any street, nor the taking of any land for street purposes, nor for public use, nor as a public improvement, but solely as a reservation of the street locations shown thereon, for the period specified in the council resolution, for future taking or acquisition for public use. The commission may, at any time, negotiate for or secure from the owner or owners of any such lands releases of claims for damages or compensation for such reservations or agreements indemnifying the municipality from such claims by others, which releases or agreements shall be binding upon the owner or owners executing the same and their successors in title. At any time after the filing of a plat with the county recorder, and during the period specified for the reservation, the planning commission and the owner of any land containing a reserved street location may agree upon a modification of the location of the lines of the proposed street, such agreement to include a release by said owner of any claim for compensation or damages by reason of such modification; and thereupon the commission may make a plat

corresponding to the said modification and transmit same to council; and if such modified plat be approved by council, the clerk of council shall transmit an attested copy thereof to the said county recorder or recorders, and said modified plat shall take the place of the original plat. At any time council may, by resolution, abandon any reservation and shall certify any such abandonment to the said county recorder or recorders.

§ 23. *Compensation for Such Reservations.*—In the resolution of adoption of a plat council shall appoint a board of three appraisers and shall fix the time and place of meetings for hearings by said board upon the amounts of compensation to be paid for such reservations. Thereupon the clerk of council shall publish in at least one newspaper of general circulation in the municipality once a week for four consecutive weeks a notice which shall contain a general description of the land thus reserved, as shown on the plat, the provisions of the resolution of council including the period of time for which such reservations are made, the time within which claims for compensation may be filed, which shall be not less than three months nor more than six months from the date of the notice, and the time and place of hearings by the board of appraisers. The first hearing shall not be set earlier than thirty days after the date of the first such publications. Such notice shall also be posted in at least three public places in the neighborhood of or along the line of the location of the reservation.

The board of appraisers shall fix the amounts of compensation to be paid respectively, to the owners of lands reserved for the period of time as shown on the plat and in the resolution adopted by council. Whenever the clerk of council receives, within the period fixed for the same, any claim for such compensation, he shall transmit it to the board of appraisers. At the time and place fixed for such hearing the board of appraisers shall hear and consider all claims presented to it in writing or in person, including all evidence

which may be presented claimants or other persons. The board of appraisers shall have the right on its own initiative to investigate and ascertain data or evidence relevant to the question of such compensation. In case of the abandonment of a reservation prior to the time fixed for payment of compensation, the municipality shall be liable to the owner of the land included within the abandoned reservation for the expenses, if any, incurred by such owner by reason of such reservation.

§ 23. *Report of Appraisers and Council's Action.*—The board of appraisers shall, within ninety days after the time fixed for the filing of claims, file its tentative report with the clerk of council, setting forth its findings as to the amounts of compensation to be paid the respective owners of the lands included within the lines of such reservations as located on the approved plat. Thereupon the clerk of council shall publish once a week for two consecutive weeks in at least one newspaper of general circulation in the municipality that fact of the filing of the report of the appraisers and specify a period of thirty days from and after the date of the first such publication within which objections to the report may be filed with the clerk of council. If objections be filed within said period, then the clerk of council shall cause the board of appraisers to hold a meeting, at which said objections shall be transmitted to the board and the board may modify its report. The report in its original form or, if modified, in its modified form, shall be transmitted to council by its clerk. Before passing on the report, council may return it to the board of appraisers for reconsideration, and the board may upon further consideration transmit its former or a modified report to council. Council may approve or disapprove the report. If the report be approved by council, council shall provide for the payment of the amounts of compensation set forth in the report within ninety days after the filing of the report with council. In the case of those property owners who file claims payment shall be made through the clerk of council, who shall

notify the claimants at the addresses given upon the claims filed with him. Payments to all other persons shall be made through the clerk of the circuit court of the county in which the reserved location is situated, by the payment to said clerk of the amounts awarded to such persons; notice of distribution to such persons to be given and made as may be provided by a rule or order of said court. Payments made as aforesaid to clerk of council or clerk of said court within said ninety days shall be deemed compliance with the above requirement for payment within ninety days. If council disapproves the report or fail to provide for such payment within said ninety days, such disapproval or failure shall be deemed a dismissal of the proceedings and a cancellation of the plat and an abandonment of the reservations of the street locations as shown on the plat, with the same liability of the municipality for expenses as above provided in the case of abandonment by resolution; and thereupon the clerk of council shall cause to be transmitted to the recorder of the county an attested statement of such abandonment.

§ 24. *Appeal from Compensation Awards.*—Within twenty days after the approval of any such report by council, any person dissatisfied with the award of compensation therein contained may file with the clerk of council notice of appeal to a court of the county in which the applicant's land is located having jurisdiction of actions by municipalities to assess compensation for property taken or appropriated for public use for streets. Thereupon, and within ten days of such notice, the clerk of council shall file with the clerk of said court the report of the board of appraisers approved by council, together with certified copies of the resolution of council and of the notice of appeal. Within five days thereafter the appellant shall give and file with the clerk of said court an appeal bond, running to the municipality and for such amount as may be fixed by the court, to secure the municipality against the costs of the appeal case in the event that appellant fails to obtain an award of compensation greater than that fixed in

the said report. Thereupon said appeal case shall be deemed to be filed and pending as a case brought by the municipality to appropriate and assess the compensation to be paid for the reservation of the land of the appellant as shown on the approved plat for the period fixed in the resolution of council, and the procedure shall be in accordance with the procedure specified by law in proceedings for the taking or appropriation of property for public use for streets; and the municipality shall pay the appellant the amount fixed in said case, or, in case it abandons the reservation, the amount of costs and expenses incurred by the appellant in said case.

§ 25. *No Compensation for Buildings in Reserved Street Locations.*—The reservation of a street location, as provided in Section 21 of this act, shall not be deemed to prohibit or impair in any respect the use of the reserved land by the owner or occupant thereof for any lawful purpose, including the erection of buildings thereon; but no compensation, other than the compensation awarded in the final report of said board of appraisers as approved by council as provided in Section 23 of this act or, in the case of an appeal, as awarded on such appeal as provided in Section 24 of this act, shall at any time be paid by the municipality or public to or recovered from the municipality or public by any person for the taking of or injury to any building or structure built or erected within the period fixed in the resolution of council upon any such reserved location. No compensation for damages for any such reservations shall be paid or recovered except as provided in Sections 22, 23, and 24 of this act.

TITLE IV.—REGIONAL PLANNING AND PLANNING COMMISSIONS

§ 26. *Creation of Commission.*—The planning commission of any municipality or the county commissioner of any county or any 100 citizens, by signed petition, may apply to the governor for the establishment of a region for planning purposes and the appointment of a regional planning com-

mission for such region. The governor shall hold at least one public hearing upon any such application or petition the time and place of which he shall officially proclaim. If the governor find that, by reason of urban growth and development not corresponding to existing municipal boundary lines or by reason of other development or trends in the growth and distribution of population, commerce, and industry, or by reason of topographic or other conditions, two or more separate municipalities or the territory of one or more municipalities and neighboring nonmunicipal territory have overlapping and interrelated or common problems of such nature as not to be capable of intelligent, economical, and adequate solution by means of the separate planning of each separate political unit and require, for such solution, a general plan of the physical development of the entire area of such municipalities or territories as a whole, and that, consequently, it is to the public interest that a region be established for planning purposes, he shall grant the application and shall define the boundaries of such region and appoint a regional planning commission. Such commission shall consist of nine persons. Members shall be appointed for six years, except that the respective terms of seven of the members first appointed shall be one year, two years, two years, three years, four years, four years, and five years: Provided, however, That if at the time of his appointment, the appointee is a public officer or in the public service of the State or any of its political subdivisions, and his incumbency as a public officer or servant expires previous to the term for which he is appointed on the regional planning commission, then his term on the commission shall terminate with the expiration of his incumbency as such public officer or servant, unless it be extended by the governor, in which case such extension shall be for the remainder of the term for which he was originally appointed. The members shall serve without compensation but shall be paid their necessary expenses incurred in the performance of their duties. They may, after a public hearing,

be removed by the governor for inefficiency, neglect of duty, or malfeasance in office, and he shall file a written statement of his reasons therefor. Vacancies shall be filled by the governor for the unexpired term.

§ 27. *Organization of Commission.*—Except as otherwise provided in this act, the provisions of this act relative to organization, rules, staff, finances, procedure, and miscellaneous powers and duties of municipal planning commissions shall, so far as applicable, apply to regional planning commissions. The amount which a regional planning commission may expend in any year shall be such as may be determined by said regional planning commission, subject to approval by the governor, who shall fix the proportion of such expenditures to be borne by the respective municipalities, counties, and other taxing districts and political subdivisions within the region. The council of each such municipality, the county commissioners of each such county, and the appropriating body of each such taxing district or political subdivision within the region are hereby authorized to appropriate their respective shares of such expenditures. The sums so appropriated shall be paid into the State treasury and shall be paid out on certificate of the regional planning commission.

§ 28. *Powers and Duties of the Commission.*—Any regional planning commission is hereby authorized and empowered to make, adopt, amend, extend, and add to a master regional plan for the physical development of its region. Such plan shall be based on comprehensive studies of the present and future development of the region, with due regard to its relation to neighboring regions and the State as a whole and to neighboring States. Such plan, including maps, charts, diagrams, and descriptive matter, shall show the commission's recommendations for the physical development of the region and may include among other things the general location, extent and character of streets, parks and other public ways, grounds and open spaces, public buildings, and properties and public utilities (whether publicly or privately owned or oper-

ated) which affect the development of the region as a whole or which affect more than one political subdivision of the State within the region; also, the general location of forests, agricultural and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities, or the protection of future urban development; also, a zoning plan for the control of the height and area, or bulk, location, and use of buildings and premises, and of the density of population. Such master plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the region and of public improvements and utilities which do not begin and terminate within the boundaries of any single municipality or which do not relate exclusively to the development of any single municipality, and which will, in accordance with the present and future needs of the region and the State, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development.

§ 29. *Certification of the Regional Plan.*—The regional planning commission, after adopting the regional plan, shall certify a copy thereof to the governor, to the planning commission of each municipality within the region, to the council of each municipality not having a planning commission to the county commissioners of each county wholly or partly included in the region, and to other organized taxing districts or political subdivisions wholly or partly included in the region.

§ 30. *Adoption of Regional Plan by Municipalities.*—Such plan may be adopted by the municipal planning commission of any municipality within the region to which it is certified by the regional planning commission. Such adoption shall be in accordance with the procedure specified in this act for the adoption of plans by municipal planning commissions. When thus adopted, it shall thereupon have the force and effect within such municipality as is provided in

this act for plans made and adopted by municipal planning commissions and shall be deemed an original municipal plan or an amendment of or addition to the municipal plan. Before adopting any amendment of the municipal plan which would constitute a violation of or a departure from the regional plan certified to the municipal planning commission by the regional planning commission, the municipal planning commission, shall submit such proposed amendment to the regional planning commission, which latter commission shall certify to the municipal commission its approval, disapproval or other opinion concerning the proposed amendment.

§ 31. *Legal Status of Regional Plan.*—After the adoption of the regional plan by the regional planning commission, no street, park or other public structure, and no public utility, whether publicly or privately owned or operated, shall be constructed or authorized in nonmunicipal territory within the region until the location, character, and extent thereof shall have been submitted to and approved by the regional planning commission of the region. This prohibition shall not be interpreted as requiring the approval by the regional planning commission of any subdivision falling within the subdivision jurisdiction of a municipal planning commission, as defined in Sections 12 and 13 of this act, and duly approved by such municipal planning commission as provided in Section 15 of this act. In case of disapproval by the regional planning commission, such disapproval may be overruled by the board, commission, body, or officer in which or in whom the power to finally determine such location, character, and extent is reposed by law, by a vote, in the case of any such board commission, or body, of not less than two-thirds of its membership. A statement of its or his reasons for any such overruling shall be spread upon the minutes of records of the board, commission, body, or officer.

TITLE V.—MISCELLANEOUS PROVISIONS

§ 32. *Saving Clause*.—The invalidity of any provision of this act shall not affect the validity of any other provision.

§ 33. *Repeal*.—All acts, or parts of acts, in conflict herewith are, to the extent of such conflict, hereby repealed.

§ 34. *Time of Taking Effect*.—This act shall take effect and be in force from and after its passage.

Senator Sidebottom moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Ollie J. Bowen	Stanley B. Mayer	Paul L. Sidebottom
Leer Buckley	Strother Melton	Jos. P. Tackett
Dr. D. H. Bush	J. Lee Moore	J. E. Trager
Waller A. Crockett	Dr. R. C. Moss	Thomas O. Turner
Ralph Gilbert	Ray B. Moss	B. M. Williams
John M. Hall	James C. Rogers	—17

Those who voted in the negative were—

Wm. R. Attkisson Paul M. Basham H. Stanley Blake

W. C. Farmer
Leo King
E. C. Moore

Ira W. See
Ervine Turner
E. T. Wesley

Otis White

—10

Resolved that the title thereof be as aforesaid—

Senator Sidebottom moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 299. An Act, enabling cities of the second, third, fourth, fifth and sixth classes of the Commonwealth, to organize, maintain and employ bands or orchestras, for public musical purposes, and empowering such municipalities to levy and collect not exceeding ten mills taxes upon assessed valuation of property of such municipalities for the maintenance of employment of such musical organization.

Said bill is as follows, viz:

Senator R. C. Moss moved the Previous Question.

Be it enacted by the General Assembly of the State of Kentucky:

§ 1. Cities of the second, third, fourth, fifth and sixth classes, however organized, and irrespective of their form of government, may, when authorized as hereinafter provided, levy each year a tax of not to exceed ten mills for the purpose of providing a fund for the maintenance and (or) employment of a band or orchestra for musical purposes.

§ 2. Such authority shall be initiated by a petition, signed by five (5%) per cent of the legal voters of the city or town, as shown by the last regular municipal election. Said petition shall be filed with the council or commission and shall request that the following question be submitted to the voters, to-wit: "Shall a tax of not exceeding ten mills be levied each year for the purpose of furnishing a fund for the maintenance and (or) employment of a municipal band or orchestra for musical purposes?"

§ 3. When such petition is filed, the council or commission shall cause said question to be submitted to the voters at the first following general municipal election.

§ 4. Said levy shall be deemed authorized if a majority of the electors voting at said election cast ballots in favor of said proposition, and the council or commission shall be empowered to enact an ordinance or ordinances, carrying said plan into effect, and may levy tax sufficient and (or) employ such band and (or) orchestra not to exceed ten mills on the assessed valuation of such municipality.

§ 5. A like petition may at any time but not earlier than three (3) years thereafter be presented to the council or commission asking that following proposition be submitted, to-wit: "Shall the power to levy a tax for the maintenance and (or) employment of a band and (or) orchestra be repealed?" Said submission shall be made at any general municipal election heretofore provided, and if a majority of the vote cast be in favor of said question, no further levy for said purposes shall be made.

EXPENDITURE OF FUNDS:

§ 6. All funds derived from said levy shall be expended as set out in Section 1 hereof, by the council or commission.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Paul L. Sidebottom
Paul M. Basham	Wm. H. Jones, Jr.	John A. Sugg, Jr.
H. Stanley Blake	Leo King	Jos. P. Tackett
Ollie J. Bowen	J. W. McDonald	J. E. Trager
Leer Buckley	Strother Melton	Ervine Turner
Dr. D. H. Bush	J. Lee Moore	E. T. Wesley
Edwin C. Dawson	Dr. R. C. Moss	Otis White
Lee Gibson	Ray B. Moss	O. C. Whitfield
Ralph Gilbert	James C. Rogers	B. M. Williams
John M. Hall	Ira W. See	

—29

Resolved that the title thereof be as aforesaid—

Senator R. C. Moss moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 110. An Act to amend, revise and re-enact Section 115 of Chapter 182 of the Acts of 1893 now Section 1243 Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to petit larceny and providing, any person upon second conviction shall be confined in the county jail not less than double the time of the first conviction, and confinement in the penitentiary for not less than one nor more than three years upon a third conviction.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 115 of Chapter 182 of the Acts of 1893 now Section 1243 Carroll's Kentucky Statutes, Baldwin's 1936 Revision, be and the same is hereby amended, revised and re-enacted so that said section when so amended, revised and re-enacted shall read as follows;

(1) Petit larceny—Any person, who shall steal a hog of less value than four dollars, or be guilty of the larceny of money, goods, chattels, or other property of less value than Twenty (\$20.00) Dollars shall be confined in the county jail for not less than one nor more than twelve months; provided, every person convicted a second time under this Act shall be confined in the county jail not less than double the time of the first conviction, and if convicted a third time under this Act, he or she shall be confined in the penitentiary for not less than one nor more than three years.

Senator White offered the following amendment to said bill, viz:

Amend H. B. No. 110 by adding after the word "months" in line 9: "Females convicted of larceny shall be confined in the county jail not more than thirty days."

Said amendment was disagreed to.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced,
 “Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	John A. Sugg, Jr.
Aubrey Barbour	H. Watt Hillman	Jos. P. Tackett
Paul M. Basham	Wm. H. Jones, Jr.	J. E. Trager
Stanley H. Blake	Leo King	Ervine Turner
Ollie J. Bowen	Strother Melton	Thomas O. Turner
Leer Buckley	J. Lee Moore	E. T. Wesley
Dr. D. H. Bush	Dr. R. C. Moss	O. C. Whitfield
Waller A. Crockett	James C. Rogers	B. M. Williams
Edwin C. Dawson	Ira W. See	J. E. Wise
W. C. Farmer	Paul L. Sidebottom	—29

There voted in the negative—

Otis White	—1
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Resolved that the title thereof be as aforesaid.

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 133. An Act amending and re-enacting Section 4281f-1 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, being an act relating to a tax on admissions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 4281f-1 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, is hereby amended and re-enacted so that as so amended and re-enacted it shall read as follows:

Definitions.—(a) "Places of amusement and/or entertainment" shall mean and include all theatres, ball parks and stadia, lecture halls, dance halls, night clubs, skating rinks, public bathing places, and all places of other sorts, whether like the above mentioned or not, at which businesses providing amusements and/or entertainments for which a charge is made are operated, but shall not mean nor include race tracks subject to the supervision of the Kentucky Racing Commission and public bathing places and swimming pools owned and operated by municipalities.

(b) The term "sale" shall mean and include the transfer or exchange for valuable consideration of services of all classes and kinds.

(c) The word "person" shall mean and include individuals, firms, joint stock companies, syndicates and corporations.

(d) "Professional entertainers" shall mean and include any person or persons who receive pay in money or money's worth for their performances.

(e) "Proprietor" shall mean and include any person

who owns, operates, or manages a place of amusement and/or entertainment.

(f) "Department" shall mean and include the Department of Revenue of Kentucky.

Senator Melton offered the following amendment to said bill, viz:

Amend H. B. No. 133, line 10, by adding after the word "commission" and before the word "and," a ",", and by inserting thereafter the words:

"athletic contests, of which one of the contesting teams is composed exclusively of students of any educational institution in Kentucky."

Said amendment was agreed to.

Senator Melton then moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson Aubrey Barbour Paul M. Basham

Ollie J. Bowen	Wm. H. Jones, Jr.	James C. Rogers
Leer Buckley	Leo King	Ira W. See
Edwin C. Dawson	J. W. McDonald	John A. Sugg, Jr.
W. C. Farmer	Strother Melton	J. E. Trager
Lee Gibson	E. C. Moore	Ervine Turner
John M. Hall	J. Lee Moore	E. T. Wesley
H. Watt Hillman	Ray B. Moss	Otis White

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Resolved that the title thereof be as aforesaid.

Senator Melton moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled,

H. B. 346. An Act to repeal, amend and re-enact section 561 of Carroll's Kentucky Statutes, 1936 edition, relating to the manner of dissolution of corporations and providing the duties of the Secretary of State when applications for dissolution has been filed in his office and further providing that the Secretary of State shall not dissolve any corporation until he has received a certificate of approval from the Department of Revenue, which approval shall relate to the Status of the tax liability of said corporation.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 561 of Carroll's Kentucky Statutes 1936 edition be repealed, amended and re-enacted so that when re-enacted said section shall read as follows:

Any corporation organized under this chapter may, by the consent in writing of the owners of the majority of its shares of stock, unless otherwise provided in the articles of incorporation, or amendments thereto, close its business and wind up its affairs; and when any corporation expires by the terms of the articles of incorporation, or by the voluntary act of its stockholders, it may thereafter continue to act for the purpose of closing up its business, but for no other purpose; and it shall be the duty of the officers to settle up its affairs and business as speedily as possible; and they shall cause notice to be published, for at least once a week for four consecutive weeks, in some newspaper printed and published in the county, if any, of the fact that it is closing up its business; and a memorandum of such dissolution signed by an authorized officer or agent of the corporation and attested by the Clerk or his Deputy, shall be made on the margin of the record in the office of the Clerk of the County Court, where the articles of incorporation are recorded; and the corporation shall send written notice thereof, signed by its authorized officer or agent, and a copy of the action of the corporation authorizing such dissolution, together with one copy of said newspaper notice as published, to the Secretary of State, who shall file same, and note such dissolution on the records, in his office; and no corporation shall be deemed to be dissolved except from the time of its compliance with the provisions of this section. For each attestation so made by the Clerk of the County Court, he shall receive twenty-five cents; and all debts and demands against the corporation shall be paid in full before the officers receive anything, provided however, it shall be the duty of the corporation making the application to withdraw from the State or dissolve said corporation to notify the Commissioner of Revenue prior to or at the time of making such application of its intention to withdraw or dissolve the said corporation and the Secretary of State shall not approve or grant the application for any corporation domiciled or authorized to do business in this State to withdraw or dis-

solve said corporation until the Commissioner of Revenue shall approve in writing the application of withdrawal or dissolution of such corporation. Such approval by the Commissioner of Revenue shall be conditioned solely upon the status of the tax liability of said corporation. The Secretary of State shall not grant any application for dissolution or withdrawal of any corporation domiciled or authorized to do business in this State until all tax liability to the Commonwealth of Kentucky or any of its subdivisions shall have been satisfied in full and so certified by the Commissioner of Revenue, provided however, that if the Commissioner of Revenue fails within thirty days after notice as herein provided for has been delivered to him in regard to the application for dissolution or withdrawal of any corporation domiciled or authorized to do business in this Commonwealth to file with the Secretary of State a claim for taxes due to the Commonwealth of Kentucky or any of its subdivisions, it will be the duty of the Secretary of State to construe such failure as permission and approval to grant said application for dissolution or withdrawal as the case may be. If, however, it should be later determined that said corporation so withdrawing or dissolving shall be indebted to the Commonwealth or any of its subdivisions for taxes this provision shall not be construed as relieving or discharging any tax liability to the Commonwealth of Kentucky or any subdivision or municipality thereof and any such tax may be collected as is provided by law for the collection of such taxes.

Senator Attkisson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	John A. Sugg, Jr.
Paul M. Basham	H. Watt Hillman	Jos. P. Tackett
Stanley H. Blake	Leo King	J. E. Trager
Ollie J. Bowen	Strother Melton	Ervine Turner
Leer Buckley	E. C. Moore	Thomas O. Turner
Dr. D. H. Bush	J. Lee Moore	E. T. Wesley
Waller A. Crockett	Ray B. Moss	Otis White
Edwin C. Dawson	James C. Rogers	O. C. Whitfield
W. C. Farmer	Ira W. See	
Lee Gibson	Paul L. Sidebottom	

—28

Resolved that the title thereof be as aforesaid—

Senator Attkisson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 112. An Act to amend and re-enact Sections 1462 and 1465 Carroll's Kentucky Statutes, (Baldwin's 1936 Revision), relating to ballots, the printing thereof; duties of the

Secretary of State and County Clerks relating thereto; and penalties for the violation thereof.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 1462 of the Carroll's Kentucky Statutes (Baldwin's 1936 Revision), be amended and re-enacted so that when said Section is amended it shall read as follows, viz:

All ballots shall be printed on plain white paper, sufficiently thick that the printing cannot be distinguished from the back, which paper shall be of number one white book paper, and when 26 to 40 inches shall weigh 80 points to the ream, or if double cap 40 pounds to the ream; and shall be furnished to the county clerk by the secretary of state, and it shall be the duty of the county clerk to notify the secretary of state forty-five days before the day of election of the size and the number of ballots which shall be necessary for said county, estimating five per cent (5%) more to the precinct than there are registered voters in the county, and the secretary of state shall furnish the paper as herein provided within five days after said notification by the county court clerk. If upon any ticket there be no candidate or candidates for a designated office a blank space equal to the space that would be occupied by such name or names, if they were printed thereon, with the blank spaces herein provided for, shall be left. Should the secretary of state fail or refuse to so furnish said paper for the ballots he shall be guilty of a misdemeanor, and upon trial and conviction by indictment in the Franklin Circuit Court be fined not less than one thousand dollars (\$1,000) and not more than five thousand dollars (\$5,000), in the discretion of the jury; provided, that in the year 1900 the notice herein provided for to be given to the secretary of state by the county court clerk, shall not be given, but immediately after the passage of this act and at least fifteen days before the day of the

next ensuing election the secretary of state shall furnish to the various county court clerks the paper upon which the ballots shall be printed, which shall be of the quality as herein provided, and each county shall be furnished five per cent (5%) more ballots than there are registered voters in the respective counties provided, however, that the clerks of the various counties of the state shall furnish the paper of the kind and weight as herein provided for the ballots, in the year nineteen hundred if the secretary of state does not furnish same twelve days before the day of the next ensuing election. Said clerk shall be subject to the same penalties prescribed for failure to print on paper furnished by the secretary of state, if he fails to have ballots printed on the kind and quality of paper as set out herein.

§ 2. That Section 1465 of said Statutes be amended and re-enacted so that when said Section is amended it shall read as follows, viz:

It shall be the duty of the county court clerk to cause to be printed, bound and ready for distribution at least thirty days before any regular primary or regular election and at least two days before any other election, one book of stubs and ballots for each voting precinct in his county, and shall furnish five per cent (5%) more ballots for each precinct than there are registered voters in each precinct. He shall also have made for each voting precinct in the county one metal stamp at least one inch in diameter, which shall be known as the county election seal. It shall have upon it the word "election" straight across the center; the name of his county around the circle inside the rim above the word "election," and the name of the precinct for which it is made around the circle inside the rim below the word "election," together with one stick of best sealing wax, such as is used by the United States government and by express companies for sealing packages containing money. He shall also have made for each precinct in his county one adjustable linen envelope sufficient,

with a gummed seal on the back thereof, and a place on the point of the seal for the county election seal. He shall also have made one linen envelope for the purpose of holding the tally sheet with a gummed seal on the back thereof, and a place on the point of the seal for the county election seal. He shall also have made one adjustable linen envelope sufficiently large to hold all the ballots of which there is any doubt or difference of opinion in the minds of the judges concerning their legality or regularity. He shall deliver said ballot book and ballot, together with the election seal for the different precincts and the two large and one small linen envelope for holding the ballots and tally sheet, and all necessary black ink stencils, sample ballots and cards of instruction as herein provided, to the clerks of such precincts and take their receipts for the same. One of such ink stencils shall be safely placed in the booth, the other preserved by the clerk, to be used in case any are lost, stolen or destroyed. Should any person steal or wilfully destroy either of said stencils or any of the election supplies required to be furnished herewith, he shall upon conviction, be fined not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00) and be confined in the county jail not less than one nor more than six months.

Senator Dawson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the man question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Jos. P. Tackett
Paul M. Basham	J. W. McDonald	J. E. Trager
Stanley H. Blake	Strother Melton	Ervine Turner
Ollie J. Bowen	E. C. Moore	Thomas O. Turner
Dr. D. H. Bush	J. Lee Moore	E. T. Wesley
Edwin C. Dawson	Dr. R. C. Moss	Otis White
W. C. Farmer	Ray B. Moss	O. C. Whitfield
Lee Gibson	James C. Rogers	J. E. Wise
Ralph Gilbert	Ira W. See	
John M. Hall	John A. Sugg, Jr.	

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Resolved that the title thereof be as aforesaid—

Senator Dawson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 388. An Act to amend and re-enact Section one hundred sixty-five a-nine (165a-9) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) edition, relating to fees for examination of banks.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That Section one hundred sixty-five a-nine (165a-9) of

Carroll's Kentucky Statutes one thousand nine hundred thirty-six (1936) Edition, be and the same is hereby amended and re-enacted so that, when thus re-enacted, it shall read as follows:

For the report of a bank, trust company, or combined bank and trust company, a filing fee of one dollar (\$1.00) shall be paid by such institution to the *Director of the Division of Banking*.

For each examination as is now or may hereafter be provided for by law, the institution examined shall pay to the *Director of the Division of Banking* the following fees, to-wit:

On each bank, trust company or combined bank and trust company having assets of not more than \$300,000 a flat fee of \$25.00; institutions having assets of \$300,000 and not more than \$600,000 a flat fee of \$30.00; on each institution having assets of \$600,000 and not more than \$1,000,000 a flat fee of \$40.00; on each institution having assets of \$1,000,000 and not more than \$2,000,000 a flat fee of \$60.00; on each of said institutions having assets of \$2,000,000 and not more than \$4,000,000 a flat fee of \$100.00; and on each of said institutions having assets of \$4,000,000 or more a flat fee of \$200.00. *Provided, however, that a fee of \$50.00 shall be paid to the Director of the Division of Banking for the investigation and examination incident to the granting of a charter to a proposed new bank.*

Senator Gibson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with, said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
Stanley H. Blake	E. C. Moore	J. E. Trager
Ollie J. Bowen	J. Lee Moore	Ervine Turner
Dr. D. H. Bush	Dr. R. C. Moss	E. T. Wesley
Edwin C. Dawson	Ray B. Moss	Otis White
Lee Gibson	James C. Rogers	O. C. Whitfield
Ralph Gilbert	Ira W. See	B. M. Williams

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Resolved that the title thereof be as aforesaid—

Senator Gibson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 173. An Act to amend and re-enact Section 3142b-4 and Section 3142b-5 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to policemen and firemen's pension fund in cities of the second class, in the Commonwealth of Kentucky.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. That Section 3142b-4 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to policemen and firemen's pension fund in cities of the second class, be amended and re-enacted, so that when so amended and re-enacted it shall read, as follows:

“§ 3142b-4. There shall be levied and set apart by the Board of Commissioners of cities of the second class a tax for the year 1938, and for each and every year thereafter, and said tax shall be for a sum certain and definite, not less, however, than two cents on each one hundred dollars in value of taxable property in said cities for the year in which said tax is levied; nor shall said tax in any year exceed the sum of five cents on each one hundred dollars in value of taxable property in said cities for the year in which said tax is levied; and all funds realized from the levy and collection of said taxes are hereby appropriated, and shall go to, and be for the benefit of the fund for the pensioning of any policemen or firemen who has served continuously in the police and fire department for at least a period of twenty years, and who shall retire from the service after said period, and for the further purpose of pensioning any member of the police and fire departments who may become permanently crippled while in the service and on duty, and for the further purpose of pensioning the widow or dependents, children under the age of fourteen years, or either of them, of any member of either department who may lose his life while in the service and on active duty. And all rewards, fees, proceeds of gifts and emoluments that may be paid or given on account of extraordinary service of any officer, member or employee of the department shall be paid in the treasury to the credit of the police and firemen's pension fund. The payment so made, together with the tax levy aforesaid, shall constitute

and be kept as a fund to be called the Police and Firemen's Pension Fund, and the said Board heretofore designated is hereby declared to be the trustee of said fund, and they shall have power, and it shall be their duty, from time to time, to invest the same, in whole or in part, as they shall deem most advantageous for the objects of said fund; and they are empowered to make all the necessary contracts and to take all the necessary remedies in the premises.

§ 2. That Section 3142b-5 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to policemen and firemen's pension fund in cities of the second class be amended and re-enacted, so that when so amended and re-enacted, it shall read as follows:

3142b-5. Said board shall have exclusive control and management of the said fund, and all moneys donated, paid or assessed for the relief or pensioning retired, crippled or disabled members of the police and fire department, or the widows or dependent children under the age of 14 years or dependent fathers and mothers, of any member of either department killed in the service and while on duty, and shall assess each members of the police and fire department not exceeding two per centum (2%) of the salary of such member, to be deducted and withheld from the monthly pay of each by the treasurer of each city to the credit of such fund, subject to the order of such board.

§ 3. All laws or parts of laws in conflict or inconsistent with the provisions of this Act are to the extent of such conflict or inconsistency hereby repealed.

Senator Rogers moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	Jos. P. Tackett
Paul M. Basham	Leo King	J. E. Trager
Stanley H. Blake	Strother Melton	Ervine Turner
Ollie J. Bowen	J. Lee Moore	E. T. Wesley
Leer Buckley	Dr. R. C. Moss	Otis White
Edwin C. Dawson	James C. Rogers	O. C. Whitfield
W. C. Farmer	Ira W. See	B. M. Williams
Lee Gibson	Paul L. Sidebottom	
John M. Hall	John A. Sugg, Jr.	

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Resolved that the title thereof be as aforesaid—

Senator Rogers moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 58. An Act relating to containers used in the Dairy Industry providing for the registration of such containers, the names and trade-marks used thereon. Providing now and

in what manner such containers so registered may be legally used. Prescribing punishment for the illegal use, possession, and, or sale of such containers and repealing all laws or parts of laws in conflict with this Act.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 2. Any and all persons and corporations engaged in manufacturing, bottling, or seling milk, cream, buttermilk, flavored milk, cottage cheese, in bottles, jars, cans, cases, siphons, tins or kegs, with his, her, its or their name or names, or other marks or devices branded, stamped, engraved, or etched, blown, impressed, or otherwise produced on such bottles, jars, cans, cases, siphons, tins or kegs, or the boxes used by him, her, it or them, may file in the office of the clerk of the county in which his, her, its or their principal place of business is situated, or if such person, or persons, corporation or corporations shall manufacture and bottle any of said products out of this state, then in any county in this state, and also in the office of the secretary of state, a description of the name or names, marks or devices so used by him, her, it or them, respectively, and cause such description to be printed once in each week for three weeks successively, in a newspaper published in the county in which said notice may have been filed as aforesaid.

§ 3. It is hereby declared to be unlawful for any person or persons, corporation or corporations, to fill with milk, cream, buttermilk, flavored milk, cottage cheese, any bottle, jar, can, case, box, siphon, tin, or keg so marked or distinguished as aforesaid, with or by any name, mark, or device, of which a description shall have been filed and published, as provided above, or to deface, erase, obliterate, cover up or otherwise remove or conceal, any such name, mark or device thereon, or to sell, buy, give, take or otherwise dispose of or traffic in the same without the written consent of, or unless the same

shall have been purchased, by such person or corporation, exclusive of the contents thereof, from, the person or persons, corporation or corporations, whose mark or device shall be or shall have been in or upon the bottle, jar, can, case, box, siphon, tin or keg so filled, trafficked in, used or handled as aforesaid. Any person or persons, or corporation or corporations offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished for the first offense by imprisonment, not less than ten days nor more than one year, or by a fine of fifty cents for each and every such bottle, jar, can, case, box, siphon, tin or keg so filled, sold, used, disposed of, given, taken, bought or trafficked in, or by both such fine and imprisonment, and for each subsequent offense by imprisonment, not less than twenty days nor more than one year, or by fine of not less than one dollar, nor more than five dollars, for each and every bottle, jar, can, case, box, siphon, tin or keg so filled, sold, used, disposed of, given taken, bought or trafficked in, or by both such fine and imprisonment, in the discretion of the magistrate before whom the offense shall be tried.

§ 4. The use by any person other than the person or persons, corporation or corporations, whose device, name or mark shall be, or shall have been, upon the same without such written consent or purchase as aforesaid, of any such marked or distinguished bottle, jar, can, case, box, siphon, tin or keg, a description of the name, mark, or device, whereon shall have been filed and published, as herein provided, for the sale therein of milk, cream, buttermilk, flavored milk cottage cheese, or any articles of merchandise or for the furnishing of such or similar beverages to customers, or the buying, selling, using, for any purpose, disposing of or trafficking in any such bottle, jar, can, case, box, siphon, tin or keg, by any person other than said persons or corporations having a name, mark or device thereon, without such written consent of the owner, or the having in possession by any junk dealer or dealers in second-hand articles, vendor of bottles, rags, or collec-

tors of or dealers in articles found in ashes, garbage, or other refuse, whether at the public dumps or elsewhere, of any such bottles, jars, cans, cases boxes, siphons, tins or kegs, whether whole or broken, a description of the marks, names or devices, whereon shall have been so filed and published as aforesaid, without such written consent, shall, and is hereby declared to be, presumptive evidence of the said unlawful use, purchase, and traffic in of such bottles, jars, cans, cases, boxes, siphons, tins or kegs.

§ 5. Whenever any person, persons or corporation, who shall have so filed and published as aforesaid, or his, her, its or their agent shall make oath before any magistrate that he, she or it has reason to believe and does believe, that any of his, her, its or their bottles, jars, cans, cases, boxes, siphons, tins or kegs, a description of the names, marks or devices whereon has been filed and published as aforesaid, are being unlawfully used or filled, or had by any person or corporation manufacturing or selling milk, cream, buttermilk, flavored milk, cottage cheese, or that any junk dealer or dealers in secondhand articles, vendors of bottles, rags, or collectors of or dealers in articles found in ashes, garbage or other refuse, whether at the public dumps or elsewhere, or any other person or corporation has any such bottles, jars, cans, cases, boxes, siphons, tins or kegs, in his, her or its possession, or secreted in any place, the said magistrate must thereupon issue a search warrant to discover and obtain the same, and may also cause to be brought before him the person in whose possession the bottles, jars, cans, cases, boxes, siphons, tins or kegs may be found, and shall then inquire into the circumstances of such possession, and if such magistrate finds that such person has been guilty of a violation of this act, he must impose the punishment herein prescribed, and he shall also award possession of the property taken upon such warrant to the owner thereof.

§ 6. The requiring, taking or accepting of any deposit for any purpose upon any bottle, jar, can, case, box, siphon, tin or keg shall not be deemed or constitute a sale of such prop-

erty, either optional or otherwise, in any proceeding under this act.

§ 7. Any person or persons, corporation or corporations, that has or have heretofore filed in the offices mentioned, as aforesaid in this act, a description of the name or names, mark or devices upon his, her, their or its property therein mentioned, and has caused the same to be published according to law existing at the time of such filing and publication, shall not be required to again file and publish such description to be entitled to the benefits of this act.

§ 8. This Act shall not apply to milk bottles purchased from a person, firm, or corporation, where the bottles have been manufactured at the time of the effective date of this Act, such bottles bearing the name or trademark of some extinct dairy.

§ 9. All laws and parts of laws in conflict with this Act are hereby repealed to the extent of such conflict.

Senator Gilbert moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Leo King	Jos. P. Tackett
H. Stanley Blake	J. W. McDonald	J. E. Trager
Ollie J. Bowen	Stanley B. Mayer	Ervine Turner
Dr. D. H. Bush	Strother Melton	Thomas O. Turner
Lee Gibson	J. Lee Moore	O. C. Whitfield
Ralph Gilbert	Ray B. Moss	
John M. Hall	Ira W. See	

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Those who voted in the negative were—

W. C. Farmer	E. T. Wesley	B. M. Williams
Paul L. Sidebottom	Otis White	

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Resolved that the title thereof be as aforesaid—

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a resolution entitled:

H. Res. 60. Joint Resolution providing for furnishing Kentucky Directory.

Said resolution is as follows, viz:

Be it Resolved by the General Assembly of the Commonwealth of Kentucky:

§ 1. That the State Librarian is hereby authorized and directed to purchase at not exceeding two dollars per copy five hundred and fifty copies of the book entitled "Kentucky Directory 1938" for the use of the Courts, state and county

officers and members of the General Assembly. The Librarian will furnish the members of the General Assembly and such officers as may be designated by the Presiding officers of the respective Houses a copy of same and will furnish the state officials with copies thereof and will send a copy thereof to the Clerk of the County Court of each county in the state to be kept in his office. The Librarian will furnish to the Librarian of each state and territory of the union a copy of said book in exchange for similar books for such state and territory, and a copy to the Librarian of Congress, and deliver to the Secretary of State fifty copies to exchange. The expense to be charged and paid out of the general revenue fund.

§ 2. It being necessary that the officers should have the books herein provided for, an emergency is declared and this resolution shall take effect upon its adoption and approved by the Governor.

Senator Attkisson moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the Main Question be now put?"

Which was decided in the affirmative.

Ordered, that said resolution be read the third time.

The Constitutional provision as to the third reading of said resolution at length being dispensed with

Said resolution was read the third time by its title and passed.

The yeas and nays being taken on the passage of said resolution in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	H. Watt Hillman	Paul L. Sidebottom
Paul M. Basham	Wm. H. Jones, Jr.	Jos. P. Tackett
H. Stanley Blake	Leo King	J. E. Trager
Ollie J. Bowen	J. W. McDonald	Ervine Turner
Leer Buckley	Stanley B. Mayer	E. T. Wesley
Dr. D. H. Bush	Strother Melton	Otis White
Waller A. Crockett	E. C. Moore	O. C. Whitfield
Edwin C. Dawson	J. Lee Moore	B. M. Williams
W. C. Farmer	Dr. R. C. Moss	J. E. Wise
Lee Gibson	Ray B. Moss	
Ralph Gilbert	James C. Rogers	

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Resolved that the title thereof be as aforesaid—

Senator Attkisson moved that the vote by which said resolution was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 155. An Act to exempt disabled war veterans from poll tax.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Any honorably discharged soldier, sailor or marine, who shall have served ninety days or more in the military or naval forces of the United States, and who is totally disabled as evidenced by pension certificate or award of compensation,

shall be exempt from any and all poll tax within the Commonwealth.

Provided, however, that this shall not apply to individuals who were residents of other states at the time of their induction into service.

Senator J. E. Moore moved the Previous Question.

Whereupon, the President of the State announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Paul L. Sidebottom
Aubrey Barbour	H. Watt Hillman	John A. Sugg, Jr.
Paul M. Basham	Wm. H. Jones, Jr.	Jos. P. Tackett
Stanley H. Blake	Leo King	J. E. Trager
Ollie J. Bowen	J. W. McDonald	Ervine Turner
Leer Buckley	Strother Melton	Thomas O. Turner
Dr. D. H. Bush	E. C. Moore	E. T. Wesley
Waller A. Crockett	J. Lee Moore	Otis White
Edwin C. Dawson	Dr. R. C. Moss	O. C. Whitfield
W. C. Farmer	Ray B. Moss	B. M. Williams
Lee Gibson	James C. Rogers	J. E. Wise
Ralph Gilbert	Ira W. See	

Resolved that the title thereof be as aforesaid—

Senator J. E. Moore moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz:

H. B. 151. An Act providing for the payment of the premium on the Official Bonds of County Clerk, County Sheriffs, County Jailers, and Circuit Clerks, in counties containing a population of 75,000 or more and which said officers pay their fees into the State Treasury, and the allowance of such premiums as a valid claim against the State and the manner in which same shall be paid by the State.

Said bill is as follows, viz:

Be it enacted by the General Assembly:

That Circuit Clerks, County Clerks, County Jailers and County Sheriffs, in counties containing a population of 75,000 or more, and whose fees are paid into the State Treasury or to the State Auditor, and who, upon assuming their respective offices, or after assuming their respective offices are required under the law to execute a bond for the faithful discharge and performance of their duties, and who shall have such bond executed by any incorporated surety company authorized to do a surety business in the State of Kentucky, and shall pay the premium on such bond, then the amount paid for such premium shall be and become a valid claim against the State, and shall be paid in the same manner as other claims are paid; provided however, there is available for use by such officer, fees theretofore paid into the State Treasury or the State

Auditor by such officer, which are sufficient for the payment of said premium in addition to the other official expenses of such officer theretofore incurred, which are entitled to be paid out of such fees; provided further, that in each case in which a claim is made for the payment of a premium on the bond executed as above set out, the officer executing the bond as principal shall verify the claim by his affidavit, and the amount of premium to be paid on the bond shall be approved by the Judge or Court who shall have approved the bond.

Senator Tackett offered the following amendment to said bill, viz.:

Amendment No. 1 Amend H. B. No. 151 in line 2, page 1, by striking the figures "75,000" and inserting in lieu thereof the figures "5,000"

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the affirmative were—

Aubrey Barbour	Strother Melton	Thomas O. Turner
Paul M. Basham	J. Lee Moore	E. T. Wesley
Ollie J. Bowen	Dr. R. C. Moss	Otis White
Leer Buckley	Ray B. Moss	O. C. Whitfield
Waller A. Crockett	Ira W. See	B. M. Williams
W. C. Farmer	John A. Sugg, Jr.	
Wm. H. Jones, Jr.	Jos. P. Tackett	

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Those who voted in the negative were—

Wm. R. Attkisson	John M. Hall	E. C. Moore
Stanley H. Blake	J. Joseph Hettinger	James C. Rogers
Dr. D. H. Bush	H. Watt Hillman	Paul L. Sidebottom
Edwin C. Dawson	Leo King	J. E. Trager
Lee Gibson	J. W. McDonald	Ervine Turner
Ralph Gilbert	Stanley B. Mayer	J. E. Wise

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Whereupon, said amendment was agreed to.

Senator Tackett moved the Previous Question.

Whereupon the President of the Senate announced
“Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Ira W. See
Aubrey Barbour	J. Joseph Hettinger	Jos. P. Tackett
Paul M. Basham	Stanley B. Mayer	J. E. Trager
Ollie J. Bowen	Strother Melton	Thomas O. Turner
Leer Buckley	J. Lee Moore	E. T. Wesley
Waller A. Crockett	Dr. R. C. Moss	O. C. Whitfield
Edwin C. Dawson	Ray B. Moss	B. M. Williams
W. C. Farmer	James C. Rogers	—23

Those who voted in the negative were—

Stanley H. Blake	Leo King	Ervine Turner
Dr. D. H. Bush	J. W. McDonald	Otis White
Lee Gibson	E. C. Moore	J. E. Wise
Ralph Gilbert	Paul L. Sidebottom	
Wm. H. Jones, Jr.	John A. Sugg, Jr.	—13

Senator Tackett offered the following amendment to the title of said bill, viz:

Amendment to Title. Amend the title of H. B. No. 151 by striking the figures "75,000" in the title and inserting the figures "5,000" in lieu thereof.

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

Senator Attkisson moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House announcing that they had passed a bill which originated in the Senate of the following title, viz:

S. B. 87. An Act authorizing the Department of Highways of the Commonwealth of Kentucky to acquire from any city of the first class any toll bridge theretofore constructed or acquired by such city from the proceeds of Revenue Bonds of such city and to issue Bridge Revenue Bonds of the Commonwealth for the purpose of obtaining funds with which to pay the cost of acquiring such bridge; providing for the call and redemption of such outstanding bonds of such city; providing for the conveyance of any such bridge by deed containing restrictions and covenants as to the collection and use of tolls; providing the powers, rights, and duties of such city, its Bridge Commission, and the Department of Highways with reference to any such bridge and its transfer hereunder; and declaring an emergency to exist.

With the following amendments thereto as proposed and adopted by the House, viz:

Amendments to S. B. No. 87 as proposed and adopted by the House:

Amendment No. 1. Amend S. B. No. 87, by adding thereto, as Section 3½, on page 4, of the printed bill, at the end of Section 3, the following:

“Section 3½. This Act shall not become effective until same shall have been submitted to the qualified legal voters of such city of the first class for their approval or disapproval.

“The question of approving or disapproving the provisions of this Act shall be submitted to the qualified voters of said city of the first class at some regular election held in and for said city, and such submission shall be by question placed upon the regular election ballot in the following form, to-wit:

‘Are you in favor of the City Bridge Commission conveying and giving the Municipal Bridge to the Commonwealth of Kentucky

Yes ()

No ()

provided the Commonwealth of Kentucky assumes and agrees to pay the remaining bond indebtedness on said Bridge?’

“Said question shall be submitted to the voters only after a written petition has been filed in the office of the County Court Clerk of the County in which said city of the first class is located, at least ninety (90) days before a regular election is to be held in the said city, by regularly qualified legal voters equal in number to five per cent (5%) of the votes cast for the candidates for Mayor at the last preceding regular election.

“East sheet of such petition shall contain the names of legal voters in but one voting precinct, and shall state the

number of said precinct and the ward in which same is located.

“Each voter shall write his street address opposite his name.

“Within five (5) days after the filing of such petition the County Court Clerk shall transmit same to the County Judge. The County Judge shall thereupon set at date not less than ten (10) nor more than fifteen (15) days thereafter when interested persons may appear and present proof as to the genuineness of signatures and the qualification of petitioners. After hearing proof the County Judge shall determine the number of legal voters of his County who have signed such petition and cause same to be entered upon the order book and certify same to the County Court Clerk.

“Within thirty (30) days after receiving from the County Judge certification that a number of legal voters have signed such petition constituting in the aggregate five (5%) per cent of the vote of the entire city, as hereinbefore provided, the County Court Clerk shall cause such proposed law to be published upon at least four (4) separate dates in a newspaper of general circulation published in said city and shall also cause to be published at the same time and in the same manner the fact that same will be submitted to the voters for their acceptance or their rejection at the next general election.

“It shall be the duty of the County Court Clerk to have the question, as hereinabove set out, indicated on the ballot and two (2) places shall be left upon the right of the same, one for voters favoring the measure, to be designated by the word “Yes”, and one opposing the measure, to be designated by the word “No”. The elector shall designate his vote by a cross-mark thus (X) placed opposite the word “yes” or “no”. The votes cast for and against same shall be counted, canvassed and certified by the County’s Board of Election Commissioners in the same manner as votes upon Constitutional Amendments.

“If it shall be found that a majority of the votes cast for

and against such measure shall be in favor thereof, then said law shall become effective. If it shall be found that a majority of the votes cast for and against such measure are not in favor thereof then said law shall not become effective. The result of such vote shall be published by the County Court Clerk in a newspaper of general circulation published in said city. The expense of the publication herein provided for shall be paid by the city in which said election is held."

Amendment No. 2. Amend the title to Senate Bill No. 87 by inserting in the title in the second to last line following the word "hereunder" the words:

"Providing for a referendum and fixing the method thereof."

Senator Mayer moved that the Senate do now refuse to concur in said amendments to said bill as proposed and adopted by the House.

Said motion was agreed to.

Thereupon, the Senate refused to concur in the amendments as proposed and adopted by the House to said bill.

Ordered that the Chief Clerk of the Senate report the action of the Senate to the House, and respectfully request the House to recede therefrom.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day a bill entitled, viz.:

H. B. 368. An Act to provide for the investigation and study of wages of women and minors employed in trade and industry in the State of Kentucky; for the determination and establishment of minimum fair wages for such workers; for the purpose of preventing unfair and oppressive exploita-

tion of such workers, and providing penalties therefor; setting forth a declaration of public policy; defining certain terms; providing for administration thereof; appropriating money for the administration thereof; and setting up duties and powers therefor; Providing for judicial review under certain circumstances; providing for maintenance of records and reports; providing for penalties for violation and/or non-observance thereof in whole or in part; providing for a separability clause; repealing conflicting laws and for the other purposes, and providing for certain exemptions.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

§ 1. Preamble:

The employment of women and minors in trade and industry in the State of Kentucky at wages unreasonably low and not fairly commensurate with the value of the services rendered is a matter of grave and vital public concern. Many women and minors employed for gain in the State of Kentucky are not as a class upon a level of equality in bargaining with their employers in regard to minimum fair wage standards, and "freedom of contract" as applied to their relations with their employers is illusory. Since a very large percentage of such workers are obliged from their week-to-week wages to support themselves and others who are dependent upon them in whole or in part they are, by reason of their necessitous circumstances, forced to accept whatever wages are offered them. Judged by any reasonable standard, wages are in many cases fixed by chance and caprice, and the wages accepted are often found to bear no relation to the fair value of the service rendered. Women and minors employed for gain are peculiarly subject to the over-reaching of inefficient, harsh or unfair employers and under unregulated competition where no adequate machinery exists for the effective regulation and maintenance of minimum fair wage standards, the standards

such as exist tend to be set by the least conscionable employers. In the absence of any effective minimum fair wage rates for women and minors, the constant lowering of wages by unscrupulous employers constitutes a serious form of unfair competition against other employers, reduces the purchasing power of the workers, and threatens the stability of industry. The evils of oppressive, unreasonable and unfair wages as they affect women and minors employed in the State of Kentucky are such as to render imperative the exercise of the police power of the State for the protection of industry and of the women and minors employed therein and of the public interest of the community at large in their health and well-being and in the prevention of the deterioration of the race.

§ 2. Definitions as used in this Act:

a. "Commissioner shall mean the Commissioner of Industrial Relations.

b. "Wage Board shall mean a board created as provided in Section 6 of this Act.

c. "Woman" shall mean a female of twenty-one years or over.

d. "Minor" shall mean a person of either sex under the age of twenty-one years.

e. "Occupations" shall mean an industry, trade, or business or branch thereof or class of work therein in which women or minors are gainfully employed, but shall not include domestic service in the home of the employer or labor on a farm.

f. "An oppressive and unreasonable wage" shall mean a wage which is both less than the fair and reasonable value of the services rendered and less than sufficient to meet the minimum cost of living necessary for health.

g. "*A fair wage*" shall mean a wage fairly and reasonably commensurate with the value of the service or class of service rendered. In establishing a minimum fair wage for any service or class of service under this Act the Commissioner and the wage board, without being bound by any techni-

cal rules of evidence or procedure (1) shall take into account the cost of living and all other relevant circumstances affecting the value of the service or class of service rendered, and (2) shall consider the wages paid in the State for work of like or comparable character by employers who voluntarily maintain minimum fair wage standards.

h. "A directory order" shall mean an order the violation of which is not subject to the penalties prescribed in section 18 (b) of this Act.

i. "A Mandatory order" shall mean an order which is subject to the penalties prescribed in section 18 (b) of this Act.

j. The masculine gender, when referred to in this Act, shall include the feminine.

§ 3. It is hereby declared to be against public policy for any employer to employ any woman or minor in an occupation in this State at an oppressive and unreasonable wage as defined in Section 2 of this Act and any contract, agreement or understanding for or in relation to such employment shall be null and void.

§ 4. Administrative Agency—powers and duties.

a. (1) The Commissioner of Industrial Relations is authorized to administer the provisions of this Act, and shall employ such clerical, technical, and professional assistance as he deems necessary to effectuate the purposes of this Act. Salaries and duties shall be determined by the Commissioner of Industrial Relations.

b. The Commissioner or authorized representative shall have full power and authority; and it shall be his duty;

1. To investigate and ascertain the wages of women and minors employed in any occupation in the State;

2. To enter the place of business or employment of any employer of women and minors in any occupation for the purpose of examining and inspecting any and all books, registers, pay rools, and other records of any employer of women or minors that in any way appertain to or have a bearing upon

the question of wages of any such women or minors and for the purpose of ascertaining whether the orders of the Commissioner have been and are being complied with; and

3. To require from such employer full and correct statement in writing when the Commissioner or his authorized representative deems necessary, of the wages paid to all women and minors in his employment.

c. The Commissioner shall have power to administer oaths and to require by subpoena the attendane and testimony of witnesses, the production of all books, records, and other evidence relative to any matters under investigation. Such subpoena shall be signed and issued by the Commissioner and shall be served and have the same effect as if issued out of the Circuit Court. The Commissioner shall have power to cause depositions of witnesses residing within or without the State to be taken in the maner prescribed for like depositions in civil actions in the Circuit Court.

§ 5. Appropriation.

There is hereby appropriated the sum of \$25,000.00 for the purpose of carrying into effect and administering the provisions of this Act for the next biennium.

§ 6. Wage investigation and appointment of Wage Boards.

The Commissioner shall have the power, and it shall be his duty, on the petition of 50 or more residents of the State, to cause an investigation to be made by him or his authorized representative, of the wages being paid to women or minors in any occupation to ascertain whether any substatal number of women or minors in such occupation are receiving oppressive and unreasonable wages as defined in section 2. If, on the basis of information in the possession of the Commissioner, with or without a special investigation, he is of the opinion that an essential number of women or minors in any occupation or ocupations are receiving oppressive and unreasonable wages as defined in section 2, he shall request the Governor to appoint a wage board upon the establishment of

minimum fair rates for such women or minors in such occupation or occupations.

§ 7. Wage Boards.

a. A wage board shall be composed of nine members, three persons to represent employers in any occupation or occupations, an equal number of qualified employee representatives in such occupation or occupations and three disinterested persons representing the public, one of whom the Governor shall designate chairman. The Governor shall appoint the members of such wage board, the representatives of the employers and employees to be selected so far as practicable from nominations submitted by employers and employees in such occupation or occupations. Two-thirds of the members of such wage board shall constitute a quorum, and the recommendations or report of such wage board shall require a vote of not less than a majority of all members present. The Commissioner shall make and establish from time to time rules and regulations not incinsistent with this section governing the mode of procedure.

b. A wage board shall have power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of all books, records, and other evidence relative to any matters under investigation. Such subpoena shall be signed and issued by the Chairman of the wage board, and shall be served and have the same effect as if issued out of the Circuit Court. A wage board shall have power to cause depositions of witnesses residing within or without the State to be taken in the manner prescribed for like depositions in civil actions in the Circuit Court.

c. The Commissioner shall present to a wage board promptly upon its organization all the evidence and information in the possession of the Commissioner relating to the wages of women or minor workers in the occupation or occupations for which the wage board was appointed, and all other information which the Commissioner deems relevant to the establishment of a minimum fair wage for such women

and minors, and shall cause to be brought before the Board any witnesses whom the Commissioner deems material. A Wage board may summon other witnesses or call upon the Commissioner to furnish additional information to aid it in its deliberations.

d. Within sixty days of its organization a wage board shall submit a report including its recommendations as a minimum fair-wage standards for women and minors in the occupation or occupations the wage standards of which the wage board was appointed to investigate. If its report is not submitted within such time the Commissioner may request the Governor to appoint a new wage board.

e. A wage board may differentiate and classify employments in any occupation according to the nature of the service rendered and recommend appropriate minimum fair wage rates for different classes of employment. A wage Board may also recommend minimum fair wage rates varying with localities if in the judgment of the wage board conditions make such local differentiation proper and do not affect an unreasonable discrimination against any locality.

f. A wage board may recommend a suitable scale of rates for learners and apprentices in any occupation or occupations, which scale of learners' and apprentices' rates may be less than the regular minimum fair wage rates recommended for experienced women or minor workers in such occupation or occupations.

g. In addition to its wage report a wage board may separately recommend such administrative regulations as it may deem appropriate to safeguard the minimum fair wage standards recommended in its report.

§ 8. Action following wage board report.

a. A wage board shall submit its report and proposed administrative regulations to the Commissioner, who may within ten days thereafter accept or reject such report. During such ten days the Commissioner may confer with the wage board which may make such changes in the report or pro-

posed administrative regulations as it may deem fit. If the report is rejected, the Commissioner shall resubmit the matter to the same wage board or to a new wage board, should a new one be appointed by the Governor. If the report is accepted it shall be published together with such of the administrative regulations proposed by the board and such amendments and changes thereof as the Commissioner may deem necessary or appropriate as a further safeguard to the minimum fair wage standards. Such administrative regulations may include among other things, regulations defining and governing learners and apprentices, their rates, bonuses or special pay for special or extra work, deductions for board, lodging, apparel or other items or services supplied by the employers, and other special conditions and circumstances; and in view of the diversities and complexities of different occupations and the dangers of evasion and nullification, the Commissioner may provide in such regulations without departing from the basic minimum rates recommended by the wage board such modifications or reductions of or additions to such rates in or for such special cases or classes of cases as those herein enumerated as the Commissioner may find appropriate to safeguard the basic minimum rates established.

The Commissioner shall give notice of a public hearing to be held by the Commissioner not sooner than fifteen nor later than thirty days after such publication at which all persons in favor of or opposed to the recommendations contained in such report or in such proposed regulations may be heard.

b. Within ten days after such hearing the Commissioner shall approve or disapprove the report of the wage board. Failure of the Commissioner to act within the said ten days shall be deemed an approval of the report. If the report is disapproved, the Commissioner shall resubmit the matter to the same wage board or to a new wage board, should a new wage board be appointed. If the report is approved, the Commissioner shall make a directory order which shall define minimum fair wage rates in the occupation or occupations as

recommended in the report of the wage board and shall include the regulations as approved by the Commissioner.

§ 9. Special License.

For any occupation for which minimum fair wage rates have been established, the Commissioner may cause to be issued to any woman or minor, including a learner or apprentice, whose earning capacity is impaired by age or physical deficiency or injury, a special license authorizing employment at such wages less than such minimum fair wage rates and for such period of time as shall be fixed by the Commissioner and stated in the license.

§ 10. Mandatory order.

If at any time after a directory minimum fair wage order has been in effect for three months and the Commissioner is of the opinion that the persistent non-observance of such order by one or more employers is a threat to the maintenance of fair minimum wage standards in any occupation or occupations, the Commissioner may give notice of his intention to make such order *mandatory* and to announce a public hearing to be held not sooner than 15 nor more than 30 days after such publication AT which persons in favor of or opposed to a mandatory order may be heard by the Commissioner. After such hearing the commissioner may make the previous directory order or any part thereof mandatory and so publish it.

§ 11. Publication of names of employers not observing order.

If the commissioner has reason to believe that any employer is not observing the provisions of any *directory or mandatory order*, he may, on fifteen days' notice, summon such employer to appear before him to show cause why the name of such employer should not be published as having failed to observe the provisions of such order. After such hearing and the finding of nonobservance of such order by the commissioner, he may cause to be published in a newspaper or newspapers published and circulating within the State of Kentucky and/or in such other manner as he may deem ap-

propriate, the name of any such employer or employers as having failed in the respects stated to observe the provisions of such order. Neither the commissioner nor any authorized representative of the commissioner, nor any newspaper publisher, proprietor, editor, nor any employee thereof shall be liable to an action for damages for publishing the name of any employer as provided for in this article, unless guilty of wilful misrepresentation.

§ 12. Revision of wage order.

At any time the commissioner may on his own motion, or on petition of fifty or more residents of the State, reconsider the minimum fair wage rates set therein and reconvene the same wage board or a new wage board, should one be appointed, to recommend whether or not the rate or rates contained in such order should be modified. The report of such wage board shall be dealt with in the manner prescribed in section 8 of this Act provided that if the order under reconsideration has theretofore been made mandatory in whole or part by the commissioner under section 10, then the commissioner in making any new order or confirming any old order shall have power to declare to what extent such order shall be directory and to what extent mandatory.

§ 13. Revision of administrative regulations.

The commissioner may at any time and from time to time propose such modifications of or additions to any administrative regulations included in any directory or mandatory order of the commissioner without reference to a wage board, as the commissioner may deem appropriate to effectuate the purpose of this Act, provided such proposed modifications or additions could legally have been included in the original order, and shall give notice of a public hearing to be held by him not less than fifteen days after such publication at which all persons may be heard in respect to such proposed modifications or additions. After such hearings the commissioner may make an order putting into effect such proposed modifications of or additions to the administrative regulations as

he deems appropriate, and if the order of which the administrative regulations form a part has theretofore been made mandatory in whole or in part by the Commissioner under section 10, then the commissioner in making any new order shall have the power to declare to what extent such order shall be directory and to what extent mandatory.

§ 14. Right of Review.

All questions of fact arising under this Act except as otherwise herein provided shall be decided by the commissioner and there shall be no appeal from the decision of the commissioner on any such question of fact, but there shall be a right of review by the Circuit Court. Either party may, within twenty days after the rendition of such final order of the commissioner, by petition appeal to the Circuit Court that would have jurisdiction to try an action for breach of contract. The review is limited to determining whether or not:

(1) The commissioner or director acted without or in excess of his powers;

(2) The order or decision was procured by fraud;

(3) The order or decision is not in conformity to the provisions of this Act;

(4) If findings of fact are in issue, whether such findings of fact support the order or decision.

The Circuit Court shall enter judgment affirming, modifying or setting aside the order or decision.

§ 15. Keeping of Records.

Every employer of women and minors shall keep a record of the name, address and occupation of each such employee, together with a record of the ages of all minors under 21 years of age in his employ. He shall further keep a true and accurate record of the amount paid each pay period to each woman and minor, and of the hours worked each day and each week by each woman and minor, and such other information as the Commissioner in his discretion shall deem material and necessary. Such records shall be kept on file for at least one year after the entry of the record. Such register and record

shall be open to the inspection and transcript of the commissioner or his authorized representatives at any reasonable time, and every employer shall furnish to the commissioner or his authorized representatives on demand, a sworn statement of the same, and, if the commissioner shall so require, upon forms prescribed or approved by him.

§ 16. Posting of minimum wage orders.

Every employer subject to a minimum fair wage order whether directory or mandatory shall keep a copy of such order posted in a conspicuous place in every room in which women or minors are employed. Employers shall be furnished copies of orders on request without charge.

§ 17. Questioning employees.

Employers shall permit the Commissioner or any officer or employee of the division duly authorized by him to question any employee of such employer in the place of employment and during work hours in respect to the wages paid to and the hours worked by such employee or other employees.

§ 18. Penalties.

a. Any employer and his agent, or the officer or agent of any corporation, who discharges or in any other manner discriminates against any employee because such employee has served or is about to serve on a wage board or has testified or is about to testify before any wage board or in any other investigation or proceeding under or related to this Act or because such employer believes that said employee may serve on any wage board or may testify before any wage board or in any investigation or proceeding under this Act shall be guilty of a misdemeanor and upon conviction be punished by a fine of not less than fifty nor more than two hundred dollars.

b. Any employer or the officer or agent of any corporation who pays or agrees to pay to any woman or minor employee less than the rates applicable to such woman or minor under a mandatory minimum fair wage order shall be guilty of a misdemeanor and upon conviction be punished by a fine

of not less than fifty nor more than two hundred dollars or by imprisonment of not less than ten nor more than ninety days or by both such fine and imprisonment, and each week in any day of which such employee is paid less than the rate applicable to him under a mandatory minimum fair wage order and each employee so paid less shall constitute a separate offense.

c. Any employer or the officer or agent of any corporation who fails to keep the records required under this Act or to furnish such records to the commissioner or his authorized representative upon request, or who falsifies such records or who fails to keep posted a copy of the minimum fair wage orders to which he is subject, as required by this Act, or who hinders or delays the commissioner or his authorized representative in the performance of his duties in the enforcement of this Act, or refuses to admit, or locks out such official from any place of employment which he is authorized by this Act to inspect, shall be guilty of a misdemeanor and upon conviction be punished by a fine or not less than twenty-five nor more than one hundred dollars, and each day of such failure to keep the records requested under this Act or to furnish to the commissioner or his authorized representatives such records or other information as may be required for the proper enforcement of this Act shall constitute a separate offense.

§ 19. Collection of wages.

If any woman or minor worker is paid by his employer less than the minimum fair wage to which he is entitled under or by virtue of a mandatory minimum fair wage order he may recover in a civil action the full amount of such minimum wage less any amount actually paid to him by the employer together with costs and such reasonable attorney's fees as may be allowed by the court, and any agreement between him and his employer to work for less than such mandatory minimum fair wage shall be no defense to such action. At the request of any woman or minor worker paid less than the minimum wage to which he was entitled under a mandatory

order the commissioner may take an assignment of such wage claim in trust for the assigning employee and may bring any legal action necessary to collect such claim, and the employer shall be required to pay the costs and such reasonable attorney's fees as may be allowed by the court. The commissioner shall not be required to pay the filing fee, or other costs, in connection with such action, provided, however, that the provisions of this act shall not apply to any person, firm, or corporation subject to regulation by the Public Service Commission of Kentucky.

§ 20.

If any provision of this Act, or the application thereof to any person or circumstance, is held invalid the remainder of the Act and the application of such provision to other persons or circumstances shall not be affected thereby.

§ 21.

All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

§ 22.

This Act shall be known as an Act to establish minimum fair wages for women and minors.

Senator Gibson offered the following amendment to said bill, viz:

Amendment No. 1. Amend H. B. No. 368 in the Senate on page 5 by striking therefrom all of Section five (5).

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the affirmative were—

Stanley H. Blake	W. C. Farmer	Leo King
Ollie J. Bowen	Lee Gibson	J. W. McDonald
Leer Buckley	H. Watt Hillman	Strother Melton
Dr. D. H. Bush	Wm. H. Jones, Jr.	Dr. R. C. Moss

Ray B. Moss	Ervin Turner	J. E. Wise	
Ira W. See	E. T. Wesley		—17

Those who voted in the negative were—

Wm. R. Attkisson	J. Lee Moore	J. E. Trager	
Edwin C. Dawson	James C. Rogers	Otis White	
Ralph Gilbert	Paul L. Sidebottom	O. C. Whitfield	
John M. Hall	John A. Sugg, Jr.	B. M. Williams	
Stanley B. Mayer	Jos. P. Tackett		—14

Whereupon, said amendment was agreed to.

Senator Gibson then offered the following amendment to said bill, viz:

Amendment No. 2. Amend H. B. No. 368 in the Senate on page 14, line 19, by striking therefrom the period after the word "Kentucky" and adding thereto the following words: "nor to any person, firm or corporation engaged in the manufacture of any product entering into interstate commerce."

Said amendment was disagreed to.

Senator Gibson moved that the vote by which said amendment was disagreed to be reconsidered.

Senator Gilbert raised the point of order that Senator Gibson, not having voted on the prevailing side, was not entitled to make said motion to reconsider the vote by which said amendment was disagreed to.

The President of the Senate ruled that the point of order as raised by Senator Gilbert was well taken.

Senator Gilbert then moved the Previous Question.

Whereupon, the President of the Senate announced,
“Shall the Main Question be now put?”

Which was decided in the affirmative.

Ordered that said bill be read the third time.

The Constitutional provision as to the third reading at length of said bill being dispensed with, said bill was read the third time by its title only and passed as amended.

The yeas and nays being taken on the passage of said bill, in accordance with the provision of the Constitution, were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	John M. Hall	Jos. P. Tackett
Aubrey Barbour	Stanley B. Mayer	J. E. Trager
Stanley H. Blake	Strother Melton	E. T. Wesley
Ollie J. Bowen	J. Lee Moore	Otis White
Leer Buckley	James C. Rogers	O. C. Whitfield
Edwin C. Dawson	Paul L. Sidebottom	B. M. Williams
Ralph Gilbert	John A. Sugg, Jr.	—20

Those who voted in the negative were—

Dr. D. H. Bush	H. Watt Hillman	Leo King
Lee Gibson		—4

Resolved that the title thereof be as aforesaid.

Senator Gilbert moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

HOUSE MESSAGE

A message was received from the House announcing that they had refused to recede from amendments as proposed and adopted by the House to a bill which originated in the Senate entitled, viz:

S. B. 87. (For titles see Journal of today, ante.)

And had appointed a Committee on Conference on the part of the House and respectfully requested the Senate to appoint a like Committee on the part of the Senate to meet with the Committee from the House to settle the differences between the two Houses.

Thereupon, the President of the Senate named Senators Basham, Hettinger and T. O. Turner as members constituting said Committee on Conference on the part of the Senate.

Ordered that said bill with amendments thereto be delivered to the Committee on Conference.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day bills entitled, viz.:

H. B. 264. An Act to require certain safety practices in building and construction work; to protect the lives of and prevent injury to employees engaged thereon; providing for the enforcement and penalty for the violation of the provisions of this Act.

H. B. 285. An Act providing for definition of terms used; providing for system of fixing prevailing rates of wages and establishing a legal work day and a legal work week on public works; providing the method of fixing prevailing rate of wages required in public words, contracts and of public au-

thorities; providing the duty of contractors and public authorities to pay the prevailing rate of wages fixed; providing for enforcement, assistance and penalty for the violation of this Act.

Senator Gilbert moved that said bills be recommitted to the Committee on Rules.

Senator Tackett offered the following amendment to the motion as made by Senator Gilbert, viz: That said bills be read the third time by their titles only and placed upon their passage.

The yeas and nays being taken thereon were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	Paul L. Sidebottom	O. C. Whitfield
Ollie J. Bowen	John A. Sugg, Jr.	B. M. Williams
Stanley B. Mayer	Jos. P. Tackett	
James C. Rogers	J. E. Trager	—10

Those who voted in the negative were—

Dr. D. H. Bush	Wm. H. Jones, Jr.	Ray B. Moss
W. C. Farmer	Leo King	Ira W. See
Lee Gibson	J. W. McDonald	Ervine Turner
Ralph Gilbert	E. C. Moore	E. T. Wesley
John M. Hall	J. Lee Moore	Otis White
H. Watt Hillman	Dr. R. C. Moss	—17

Thereupon, said amendment was disagreed to.

Said motion was then agreed to.

Senator T. O. Turner of the Committee on Conference to which a bill which originated in the Senate entitled, viz:

S. B. 87. (For title see Journal of today, ante.)

Had been previously referred, with amendments thereto as proposed and adopted by the House, viz:

(For amendments see Journal of today, ante.)

Reported that said Committee on Conference had had under consideration said bill and amendments thereto as proposed and adopted by the House and

Offered the following report, viz:

“We the undersigned, the Conference Committee, consisting of members of the House, viz:

E. F. Prichard,
C. A. Hall,
T. Fowler Combs,
George P. Anderson,
And members of the Senate, viz:
T. O. Turner,
Paul Basham,
J. J. Hettinger

“We the Committee decide that the Senate Bill No. 87 should be passed without amendments and recommend that the House recede.

YEA

E. F. Prichard
C. A. Hall
T. Fowler Combs
T. O. Turner
Paul Basham
J. J. Hettinger

NO

George P. Anderson

(Signed)

Senator Gilbert moved that the Senate do now accept the report of the Committee on Conference on the part of the Senate

Said motion was agreed to.

In accordance with the provisions of Section 4618-139, Carroll's Kentucky Statutes, 1936 Edition, the President of the Senate designated the following members of the Senate as members of the Legislative Council, subject to confirmation by the Senate, viz:

Senator J. W. McDonald
Senator Stanley B. Mayer
Senator E. C. Moore
Senator Otis White
Senator B. M. Williams

The yeas and nays being taken on the question of confirmation of said members were as follows, viz:

Those who voted in the affirmative were—

Stanley H. Blake	Leo King	Jos. P. Tackett
Dr. D. H. Bush	J. Lee Moore	J. E. Trager
Edwin C. Dawson	Dr. R. C. Moss	Ervine Turner
Ralph Gilbert	James C. Rogers	Thomas O. Turner
John M. Hall	Ira W. See	E. T. Wesley
J. Joseph Hettinger	Paul L. Sidebottom	O. C. Whitfield
H. Watt Hillman	John A. Sugg, Jr.	—20

Thereupon, said members of the Senate were confirmed by the Senate as members of the Legislative Council.

At the instance of the Committee on Rules, the Senate took up for consideration from the Orders of the Day, a bill entitled:

H. B. 182. An Act to amend and re-enact section 2573, Kentucky Statutes.

Said bill is as follows, viz:

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

That section 2573, Kentucky Statutes, be and the same is hereby amended and re-enacted by adding thereto the following:

“Provided, however, that the words “lottery or gift-enterprise,” as used in this section, shall not apply to any gift of money, property, or other thing of value which is awarded by lot or drawing by mercantile establishments, theatres or newspapers who make such awards to their customers and patrons, and who charge no price and collect no fee for the privilege of participating in such lot or drawing other than the regular prices of merchandise sold, or admission tickets, or subscription price to all customers and patrons whether they participate or do not participate in such awarding.”

So that said section, as so amended and re-enacted shall read as follows:

“Section 2573. FELONY TO SET UP, OPERATE, PROMOTE OR AID.—Whoever shall set up, carry on, conduct, manage, operate, draw or otherwise promote, and whoever shall aid, assist or abet in setting up, carrying on, conducting, managing, operating, drawing, or in otherwise promoting any lottery or gift enterprise, whereby money or other thing of value is, or is pretended to be, disposed of, and whoever shall write, print, vend, sell, barter, exchange, dispose of, furnish, supply, or procure or cause to be supplied or procured, to or for any person or persons, and whoever shall have in possession or under control, with intent for himself or another, to vend, sell, barter, exchange, dispose of, furnish, or supply any ticket, share or part of a ticket, or any

writing, print, paper, certificate, token, device or thing whatever, purporting, designed or intended to give or entitle the holder, or any other person, to any prize, share, or interest in any prize, or to any right, share or interest whatever, in any lottery or gift enterprise, in or out of this commonwealth, or in or to any drawing of, or in or to the result of any lottery or gift enterprise in or out of this commonwealth, shall be guilty of a felony, and shall be fined not less than five hundred (\$500.00) dollars nor more than five thousand (\$5,000.00) dollars, and shall be confined in the penitentiary not less than two years nor more than five years. Provided, however, that the words "lottery or gift-enterprise", as used in this section, shall not apply to any gift or money, property or other thing of value which is awarded by lot or drawing by mercantile establishments, theatres or newspapers who make such awards to their customers and patrons, and who charge no price and collect no fee for the privilege of participating in such lot or drawing other than the regular prices of merchandise sold, or admission tickets, or subscription price to all customers and patrons whether they participate or do not participate in such awarding.

Senator Buckley moved the Previous Question.

Whereupon, the President of the Senate announced, "Shall the main question be now put?"

Which was decided in the affirmative.

Ordered, that said bill be read the third time.

The Constitutional provision as to the third reading of said bill at length being dispensed with

Said bill was read the third time by its title and passed.

The yeas and nays beng taken on the passage of said bill in accordance with the provision of the Constitution were as follows, viz.:

Those who voted in the affirmative were—

Wm. R. Attkisson	Wm. H. Jones, Jr.	Paul L. Sidebottom
Aubrey Barbour	Leo King	John A. Sugg, Jr.
Paul M. Basham	Stanley B. Mayer	Jos. P. Tackett
Stanley H. Blake	E. C. Moore	J. E. Trager
Leer Buckley	J. Lee Moore	Ervine Turner
Edwin C. Dawson	Ray B. Moss	O. C. Whitfield
John M. Hall	James C. Rogers	B. M. Williams
J. Joseph Hettinger	Ira W. See	—23

Those who voted in the negative were—

Dr. D. H. Bush	H. Watt Hillman	E. T. Wesley
Waller A. Crockett	J. W. McDonald	Otis White
W. C. Farmer	Strother Melton	J. E. Wise
Lee Gibson	Thomas O. Turner	—11

Resolved that the title thereof be as aforesaid—

Senator Buckley moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said last named motion was agreed to.

Senator Gilbert moved that the rules be suspended and a bill of the following title, viz:

H. B. 244. An Act repealing, amending and re-enacting Sections 2739g-13 and 2739g-65 of Baldwin's 1936 Edition of Carroll's Kentucky Statutes, relating to transfers of motor vehicles and providing penalties for violations of certain statutes relating to motor vehicles.

Be taken from the hands of the Committee on Rules read for the third time by its title only and placed upon its passage.

Senator J. Lee Moore moved that said motion as made by Senator Gilbert be laid on the table.

The yeas and nays being taken on said last named motion were as follows, viz:

Those who voted in the affirmative were—

Wm. R. Attkisson	Leo King	John A. Sugg, Jr.
Aubrey Barbour	Strother Melton	Jos. P. Tackett
Leer Buckley	E. C. Moore	J. E. Trager
Edwin C. Dawson	J. Lee Moore	
W. C. Farmer	James C. Rogers	—13

Those who voted in the negative were—

H. Stanley Blake	Wm. H. Jones, Jr.	E. T. Wesley
Ollie J. Bowen	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Ray B. Moss	O. C. Whitfield
Lee Gibson	Ira W. See	B. M. Williams
Ralph Gilbert	Paul L. Sidebottom	J. E. Wise
H. Watt Hillman	Ervine Turner	—17

Whereupon, said motion was disagreed to.

The yeas and nays then being taken on the motion as made by Senator Gilbert were as follows, viz:

Those who voted in the affirmative were—

H. Stanley Blake	Wm. H. Jones, Jr.	E. T. Wesley
Ollie J. Bowen	Stanley B. Mayer	Otis White
Dr. D. H. Bush	Dr. R. C. Moss	B. M. Williams
Lee Gibson	Ray B. Moss	J. E. Wise
Ralph Gilbert	Paul L. Sidebottom	
John M. Hall	Ervine Turner	—16

Those who voted in the negative were—

Wm. R. Attkisson	Leo King	James C. Rogers
Aubrey Barbour	Strother Melton	John A. Sugg, Jr.
Leer Buckley	E. C. Moore	Jos. P. Tackett
W. C. Farmer	J. Lee Moore	—11

Whereupon, said motion, having failed to received a sufficient number of votes, was disagreed to.

Senator Gilbert then moved that the rules be suspended and a bill of the following title, viz:

H. B. 384. An Act amending and re-enacting Section 2739g-2d, Carroll's Kentucky Statutes, 1936 Edition, relating to registration fees for trucks.

Be taken from the hands of the Committee on Rules, read for the third time by its title only and placed upon its passage.

Senator Attkisson moved that said motion as made by Senator Gilbert be laid on the table.

Said last named motion was disagreed to.

The yeas and nays being taken on the motion as made by Senator Gilbert were as follows, viz:

Those who voted in the affirmative were—

Aubrey Barbour	Lee Gibson	Paul L. Sidebottom
H. Stanley Blake	Ralph Gilbert	Ervine Turner
Ollie J. Bowen	H. Watt Hillman	Otis White
Dr. D. H. Bush	Wm. H. Jones, Jr.	O. C. Whitfield
Edwin C. Dawson	James C. Rogers	—14

Those who voted in the negative were—

Wm. R. Attkisson	Strother Melton	John A. Sugg, Jr.
Leer Buckley	J. Lee Moore	Jos. P. Tackett
W. C. Farmer	Dr. R. C. Moss	J. E. Trager
Leo King	Ray B. Moss	B. M. Williams
Stanley B. Mayer	Ira W. See	—14

Whereupon, said motion was disagreed to, having failed to receive a sufficient number of votes.

At the instance of the Committee on Rules, Senator Gilbert moved that the Clerk of the Senate be directed to request the return to the Senate from the House of a bill which originated in the House entitled, viz:

H. B. 368. (For title see Journal of today, ante.)

Said bill is as follows, viz:

(For bill see Journal of today, ante.)

With amendment thereto heretofore proposed and adopted by the Senate.

(For amendment see Journal of today, ante.)

Said motion was agreed to.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

At the instance of the Committee on Rules, Senator Gilbert then moved that the vote by which the Senate agreed that the vote by which said bill was passed be reconsidered and laid on the table, be reconsidered.

Said motion was unanimously agreed to.

Thereafter such reconsideration.

At the instance of the Committee on Rules, Senator Gilbert then offered the following amendment to the title of said bill, viz:

Amend title to H. B. No. 368 in lines 7 and 8 by striking therefrom the words "appropriating money for the administration thereof"

Said amendment to the title of said bill was agreed to.

Resolved that the title thereof be as amended.

Senator Gilbert then moved that the vote by which said bill was passed be reconsidered and that said motion lie on the table.

Said motion last named was agreed to.

REPORT OF COMMITTEE ON ENROLLMENT

Senator Dawson of the Committee on Enrollment reported that said committee had examined and found to be correctly enrolled, bills and resolutions of the following titles, viz:

S. Res. 59. A joint resolution for the benefit of the ministers of the churches of Frankfort, Kentucky.

S. B. 208. An Act to enable cities and counties of the Commonwealth to acquire land for aviation fields, providing that cities may acquire such lands within their corporate limits or anywhere in the county in which the city is located, for aviation fields and to establish and equip the same airports;

and authorizing cities and counties to use, operate and control the same for the benefit of such cities and counties and the inhabitants thereof.

S. B. 11. An Act requiring the operators of all vehicles to stop before passing a school bus upon a public highway which shall be stopped for the purpose of receiving or discharging passengers, and providing penalty for violation.

S. B. 89. An Act relating to the trapping of animals.

S. B. 134. An Act relating to firemen's pension funds in cities of the first class.

S. B. 201. An Act amending and re-enacting Section 4308-3, Carroll's Kentucky Statutes, 1936 Edition, being Section 3 of Chapter 5 of the Acts of the General Assembly of 1936, relating to the plans of the State Highway Commission and the fiscal courts for the use of the funds appropriated for county roads and bridges.

S. B. 205. An Act providing for the escheat to the Commonwealth of bank deposits, other deposits, dividends, stocks, bonds, moneys, credits, and all intangible personal property, and providing that all escheated property and the proceeds thereof shall be paid into the State Treasury and credited to the general expenditure fund.

S. B. 92. An Act relating to libraries, creating a board for the certification of librarians and defining powers, and prescribing penalties.

S. B. 35. An Act to prevent the spread of venereal diseases through marriage and to provide for an antenuptial physical examination to determine the presence of venereal

diseases and to provide a penalty for the violation of the provisions of this Act.

S. B. 171. An Act to repeal, amend and partially re-enact Sections 165a-23 to and including 165a-61 of Baldwin's 1936 Revision of Carroll's Kentucky Statutes and being a part of Chapter 17 of the Acts of the General Assembly of 1932, relating to banking and securities.

S. B. 106. An Act relating to the uniform law of warehouse receipts and warehousing, providing for the issual of warehouse receipts, the obligation and rights of warehousemen upon receipts, interpretation of the act, and providing penalties for violation thereof.

S. B. 95. An Act amending and re-enacting Section 2242 of Carroll's Kentucky Statutes, 1936 Revision, relating to the compensation of jury commissioners.

S. B. 34. An Act to amend Section 2741d-2, Carroll's Kentucky Statutes, 1936 Edition, relating to Libraries, Boards of Trustees powers, members, appointments and term.

S. B. 210. An Act to amend and re-enact Chapter 4, of the Acts of the General Assembly of Kentucky of One Thousand nine hundred twelve, as amended, being Sections 165a-1 through 165a-22, both inclusive, of Carroll's Kentucky Statutes, 1936 Edition, by adding a new section, to-wit: 165a-23, and to declare the legislative intent of said act.

S. B. 103. An Act to repeal and re-enact, as amended, Section 165a-20 Kentucky Statutes, Carroll's Edition 1936, relating to the powers of the Director of the Division of Banking in passing upon applications for the approval of articles of incorporation of any proposed bank, trust company, combined bank and trust company, or any trust, banking and title

insurance company, in regard to the necessity and convenience of such institutions, and amending said section so as to provide for the investigation of certain additional phases of such proposed institutions, and for the refusal of articles of incorporation of such institutions by the Director of the Division of Banking, and to require each director thereof to own in his own right shares of a par value of not less than \$500.00.

S. B. 104. An Act to fix the minimum amount of capital of any bank, trust company, combined bank and trust company, and trust, banking and title insurance companies, hereafter organized under the laws of this State, and to clarify any statutory inconsistencies relating thereto; and to repeal and reenact, as amended, Kentucky Statutes, Carroll's Edition 1936, Section 577, and Section 580, relating to banks, Section 603 relating to trust companies, Section 612a relating to combined banks and trust companies, and Section 883c-1 relating to trust, banking and title insurance companies; and to repeal, so far as inconsistent herewith, Section 598b (2) relating to the required capital of State and National banks in this State acting as fiduciaries.

S. B. 135. An Act to amend and re-enact Section five hundred seventy-nine (579) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, relating to when business may begin, powers of corporation, powers to discount evidence of debt, and when the pledging of assets is permitted, providing for the exemption of banking institutions from furnishing security for any deposits to the extent such institutions are insured under Section 12B of the Federal Reserve Act as amended, and for the pledging of certain assets to secure a loan in case of a transfer of deposit liability.

S. B. 165. An Act to provide for the subrogation of the Federal Deposit Insurance Corporation to the rights, against

an insured closed institution, of all depositors, whose deposits have been paid, or for the payment of which funds have been made available; and providing for the repeal of all laws or parts of laws in conflict with this Act.

S. B. 170. An Act to amend and re-enact Section one hundred sixty-five a-8 (165a-8) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, to provide for the exchange of information between the Division of Banking and other properly authorized supervisory authorities.

S. B. 179. An Act pertaining to banking and to amend and re-enact Section 584a of Kentucky Statutes, Carroll's Edition (Baldwin's 1936 Revision).

S. B. 182. An Act to prohibit any person, or officer of the Commonwealth of Kentucky or any subdivision thereof from instituting or prosecuting proceedings to escheat real estate of landing corporations under the supervision of duly constituted public authority, and acquired in satisfaction of loan indebtedness to it, without first having obtained the consent of said supervising authority.

S. B. 81. An Act to repeal, amend and re-enact Sections one hundred sixty-five a-15 (165a-15) and five hundred eighty six (586) of Carroll's Kentucky Statutes, one thousand nine hundred and thirty-six (1936) Edition, relating to the impairment of a bank's capital, duty of bank and Director of the Division of Banking, reduction of capital and how impairment shall be made good.

S. B. 82. An Act pertaining to banking, and to amend and re-enact Section Five Hundred Ninety-Five (595) Carroll's Kentucky Statutes, One Thousand Nine Hundred Thirty (1930) edition, as amended by Chapter One (1) of the Acts

of the Extraordinary Session of the General Assembly of the Commonwealth of Kentucky of One Thousand Nine Hundred Thirty-Three (1933), and as amended by Chapter Twelve (12) of the Acts of the Regular Session of the General Assembly of the Commonwealth of Kentucky of One Thousand Nine Hundred Thirty-Six (1936), so as to provide to the holders of non-assessable preferred capital stock issued by a bank or trust company or combined bank and trust company exemption from assessment to restore impairment of capital and rights with respect to dividends, voting and conversion rights, control of management and preference in the event of retirement of said stock, or liquidation of the corporation, and prescribing a basis for determination of whether or not there exists an impairment of the capital of a bank or trust company or combined bank and trust company which has issued such stock.

S. B. 83. An Act providing that banks incorporated under the laws of any other state shall not do any business in this Commonwealth, except to lend money; and providing for the repeal of all laws and parts of laws in conflict with this Act.

S. B. 102. An Act to repeal, amend and re-enact Sections one hundred sixty-five a-twelve (165a-12), five hundred ninety-three (593) and five hundred ninety-four (594) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, relating to the publication of statement of financial condition of bank, who shall sign statement, and penalty for failure to make or publish report.

S. B. 172. An Act to clarify the license taxation by municipalities of banks, trust companies, combined banks and trust companies, and trust, banking and title insurance companies organized under the laws of this State.

S. B. 56. An Act to repeal and re-enact Section two thousand forty-three-twelve (2043-12), Carroll's Kentucky Statutes, one thousand nine hundred thirty (1930) Edition, Supplement one thousand nine hundred thirty-three (1933), the same being Section twelve (12), of Chapter sixty-eight (68) of the Acts of one thousand nine hundred thirty (1930), repealed, amended, and re-enacted by Chapter fifty-four (54) of the Acts of one thousand nine hundred thirty-six (1936) and entitled, "An Act concerning the manner of commitment of incompetent veterans of the World War who are beneficiaries of World War Veterans' Act as amended; and regulating the appointment, defining the duties and governing the actions of guardians and committees for beneficiaries of the World War Veterans' Act, as amended, and the World War adjusted Compensation Act, as amended," and declaring an emergency to exist.

S. B. 57. An Act to authorize fiduciaries to invest trust funds in real estate; to authorize a trust company or a bank, empowered to act as a fiduciary under the laws of the State of Kentucky, to establish a common trust fund under a written plan to be approved by the Kentucky State banking authority; to authorize the amendment or modification of any such plan with the approval of the Kentucky State banking authority; and to authorize such trust company or bank to invest trust funds in its hands in shares or participation certificates issued against such common trust fund.

S. B. 58. An Act to permit the transfer of assets of a bank to another bank, in case of emergency, by the board of directors with the consent of the Director of the Division of Banking, providing for the publication of notice of such transfer; providing for the payment of fair cash value to aggrieved shareholder, and the time and manner of objection of such aggrieved shareholder; and providing for the repeal of all laws and parts of laws in conflict with this Act

S. B. 59. An Act relating to the compensation of executors, administrators and curators, and repealing, amending, and reenacting Kentucky Statutes 3883, Carroll's Edition 1930.

S. B. 60. An Act relating to the compensation of trustees and fiduciaries, by adding after Section 4711 Kentucky Statutes, Carroll's Edition 1930, as amended, a new provision relating to such compensation.

S. B. 79. An Act to amend and re-enact Section six hundred ten (610) of Carroll's Kentucky Statutes, one thousand nine hundred thirty-six (1936) Edition, relating to the indebtedness or obligation of a person, company or firm to a trust company; and providing for a change in the maximum amount permitted.

S. B. 80. An Act to amend and re-enact Section Five Hundred and Eighty-Three (583) of Carroll's Kentucky Statutes, One Thousand Nine Hundred Thirty-Six (1936) Edition, relating to the indebtedness or obligation of a person, company or firm to a bank, the highest amount permitted, certain bills of exchange not included.

Senate Joint Resolution 68. Resolution concerning enrollment of bills.

S. Res. 37. A joint resolution appropriating from the General Fund of the State of Kentucky one hundred twenty-two dollars and eight cents (\$122.08) for the payment of claims ordered and issued by the Breathitt Circuit Court.

S. Res. 36. A joint resolution appropriating fifty (50) dollars from the General Fund of the State of Kentucky for the purpose of paying Ben. C. Sewell, Jackson County, for services and expenses as special elisor to summon a venire of

fifty (50) men from Clark County for criminal jury service in the Breathitt Circuit Court.

S. Res. 63. A resolution authorizing and empowering Anna Henderson Smith personally and/or the Fiscal Court of Fayette County, Kentucky.

S. Res. 62. A joint resolution appropriating from the General Fund of the State of Kentucky Three Hundred Thirty-Two Dollars and Sixty-Six Cents (332.66) for the payment of a claim of D. P. Dingus, Deputy Sheriff of Floyd County, Kentucky, for expenses incurred by him under orders of the Floyd Circuit Court in returning from the State of Idaho, Evan Frasure and Ernest Frasure and delivering them to the jailer of Floyd County on a charge of willful murder.

S. Res. 46. Resolution authorizing the Kentucky Children's Home Society, a Kentucky corporation, to sue the Commonwealth of Kentucky and the Department of Highways of Kentucky, or either.

S. Res. 44. Resolution, authorizing Mrs. Myrtle Cade to sue the Commonwealth of Kentucky, and the State Highway Commission, or either.

S. Res. 13. Resolution authorizing the personal representative of Jasper Johnson, deceased, to file and prosecute suit against the Commonwealth of Kentucky and the State Highway Commission or either of them.

S. Res. 12. Resolution authorizing John R. Clarke, Jr., and Edith S. Clarke to sue the Commonwealth of Kentucky, the State Highway Commission, or either or both of them.

S. Res. 61. Resolution authorizing W. W. Robertson

to sue the Commonwealth of Kentucky and the State Highway Commission (now Department of Highways), either or both.

S. Res. 54. Resolution authorizing F. W. Childers to sue the Commonwealth of Kentucky and the State Highway Commission, or either.

S. Res. 51. Resolution authorizing J. D. Johnson and George Appman to sue the Commonwealth of Kentucky, and State Highway Department.

S. B. 168. An Act to amend and re-enact Section 2740 Carroll's Kentucky Statutes, Baldwin's Revision of 1936, relating to classification of cities and towns in the state, so as to change the town of Evarts, Harlan County, from a town of the sixth class to a city of the fifth class, and the said section is hereby amended as follows.

S. B. 26. An Act to repeal Chapter One Hundred and Fifteen (115) of the Acts of the General Assembly at its 1916 Session, and Chapter 55 of the Acts of the General Assembly at its 1920 Session, and enacting in lieu thereof, an act to provide a stenographer in the County Attorney's Office in Counties containing a city of the first class, prescribing the method of appointment and removal salary and method of payment of said salary.

S. B. 123. An Act to amend and re-enact Section 4357-1, Carroll's Kentucky Statutes, Baldwin's 1936 Revision increasing the Governor's salary from Six Thousand Five Hundred Dollars (\$6,500.00) to Ten Thousand (\$10,000) Dollars.

S. B. 148. An Act to amend and re-enact Section 4356t-7 of Carroll's Kentucky Statutes 1936 Edition relating to the purchase, location and relocation of rights of way by the State Highway Commission.

S. B. 48. An Act to amend Section 1 of of Chapter 42 of the Acts of the General Assembly of 1934 so as to provide the period of probation of defendants in certain criminal cases.

S. B. 77. An Act to enable any county of this Commonwealth, through its fiscal court, or any municipality, city, town or other voting district, through its legislative body or department to separately or jointly purchase, rent or lease voting machines to be used in any or all elections or primary elections; defining and establishing the requirements of said voting machines, the printing of official sample ballots, number of official ballots to be furnished, requiring instructions of voters in use of machine before election, requiring extra ballots in case of loss or theft, providing for emergency if machine is out of order, the method of conducting the election, the location of the voting machine during elections, the time allowed a voter to vote, instructing voters on election day, providing for blind or physically disabled voters, providing for announcing the vote at close of election, and locking the machines, and where the irregular ballots are to be returned, providing the disposition of keys, making the possession of keys to a voting machine by an unauthorized person a crime and providing a penalty therefor. Defining the meaning of crime used in this act, and repealing all acts in conflict herewith.

S. B. 54. An Act to amend Section 127 of the Criminal Code of Practice, Baldwin's Revision of 1932, so that the offenses of forgery and uttering a forged instrument may be charged in one indictment.

S. B. 197. An Act to promote the Agricultural, Horticultural and Live Stock Interest of the Commonwealth of Kentucky by enabling the State Board of Agriculture to cooperate with County and Community Fairs in offering of

premiums for agricultural, horticultural and live stock exhibits at such Fairs.

S. B. 100. An Act to amend and re-enact Section 3721a, Carroll's Kentucky Statute, pertaining to jurisdiction of Notary Publics.

S. B. 37. An Act to amend section one hundred of the constitution of the Commonwealth of Kentucky so as to permit women to hold public offices.

S. B. 118. An Act amending Chapter forty-two (42) of the Acts of the General Assembly of nineteen thirty-six (1936), being Section four thousand three hundred ninety-nine-three (4399-3), Carroll's Kentucky Statute, 1936 edition relating to independent school districts.

S. B. 119. An Act to amend an act, entitled an act to amend an act, in relation to the Kentucky State Board of Dental Examiners, which act became effective June 5, 1932, and being Section 2636 with its 23 subsections of Carroll's Kentucky Statutes, and to regulate the practice of dentistry in the State of Kentucky.

S. B. 204. An Act to repeal and re-enact Chapter 42, Acts 1932, page 322, being Section 415b-6, (2) relating to Confederate pensions.

S. B. 69. An Act to repeal and re-enact Sub-section One of Section One thousand one hundred and thirty-seven (1137-1) of Kentucky Statutes, Carroll's edition of 1936, being chapter one hundred and sixty-three (163) of the Acts of the General Assembly of 1920, relating to the death penalty for the crime of rape.

S. B. 155. An Act fixing the time of holding Court in

the Sixth Judicial District composed of Daviess, Hancock and MeLean Counties and to that extent amending Section Seven of an Act Entitled: "An Act creating the Thirty-Eighth Judicial District of Kentucky, fixing the time of holding courts thereof; changing the sixth, seventh and eighth Judicial Districts and fixing the time of holding the courts thereof; providing for the appointment and election of a Circuit Judge and a Commonwealth's Attorney for the Thirty-eighth Judicial District, and declaring an emergency to exist," and which said Act was heretofore passed by the present Legislature and became a law on the 20th day of January, 1938.

S. B. 161. An Act repealing, amending and re-enacting sections 1893d-9, section 1893d-10 and section 1893d-11 Carroll's Kentucky Statutes, 1936 Revision, pertaining to the size and prohibiting the sale of jack salmon or wall eyed pike.

H. B. 74. An Act amending charters of cities of the second class to provide for the creation of a civil service commission, prescribing their duties and declaring their qualifications.

H. B. 129. An Act providing for the regulation of the manufacture of and traffic in alcoholic beverages; requiring licenses therefor and fixing the amounts of license fees; creating Kentucky State Alcoholic Beverage Control Board, with appropriate powers for the enforcement of this Act; fixing the compensation of members of said Board and employees to be appointed by it; authorizing the issuance, revocation and suspension of licenses; imposing prohibitions, restrictions and regulations and fixing penalties for violations of this Act; empowering counties, and cities of the first, second and third classes, to have local alcoholic beverage administrators with appropriate powers to adopt and enforce restrictions and regulations of the alcoholic beverage traffic in such city or county, in conformity with this Act; to issue local licenses and

fix the fees therefor, to revoke same, and to impose local regulations and penalties, not inconsistent with this Act; transferring the functions and resources of the Division of Alcoholic Control in the Department of Business Regulation to the Department of Revenue; repealing certain sections of Carroll's Kentucky Statutes, 1936 edition, and all inconsistent laws; and declaring an emergency to exist.

H. B. 385. An Act relating to primary and general elections and providing for a statewide registration of voters in the Commonwealth of Kentucky, the manner in which they may register in each and every county, providing the manner in which they may change their registration as to party affiliations, the manner of purging the registration lists; providing a statewide registration board and also a county one and salaries and expenses of boards and employees.

H. B. 307. An Act to amend an act entitled "An Act for the Government of Cities of the First Class in the Commonwealth of Kentucky", approved July 1st, 1893.

H. B. 19. An Act to amend Chapter 94 of the 1936 Edition of Carroll's Kentucky Statutes, by repealing and reenacting Sections 3767 and 3773 of said Carroll's Kentucky Statutes, being parts of said Chapter 94, relating to the business that may be conducted by limited partnerships and relating to the firm name of such partnerships; and prescribing the types of business that may be thenceforth conducted by limited partnerships and prescribing limitations in firm names to be adopted by such partnerships.

H. B. 210. An Act prohibiting the operation of road-houses, tourist camps, places of public entertainment without a permit from the county court; providing for the filing of application for said permit, newspaper notice of the filing of said application and for the manner in which said permit shall be

granted; providing for qualifications of the person who may be granted such permit, providing for county attorney to investigate each applicant and to report to the county court, providing for the hours said places of business may be operated within each county, and setting forth the various acts in regard to the operation of said roadhouses which shall constitute offenses and cause a revocation of said permit; providing for the penalties for a person convicted of violating the provisions of said Act, providing for the sheriffs, deputy sheriffs and county patrolmen to inspect said places of business; providing for appeal from the judgment of the county court granting or refusing said permit to the circuit court; repealing Chapter 62 of the Acts of the 1936 regular session of the General Assembly, and declaring an emergency to exist.

H. B. 57. An Act to repeal Section 3629 Kentucky Statutes, relating to marshals in cities of the fifth class.

H. B. 262. An Act regulating and limiting the liability of hotel keepers and inn keepers, and providing circumstances under which liability may be limited; defining the persons to whom this Act shall be applicable; repealing Section 1 of Chapter 228 of the Acts of the General Assembly of the Commonwealth of Kentucky of the year 1893, now constituting Section 2176, Carroll's Kentucky Statutes, Baldwin's 1936 Edition, and all other Acts inconsistent herewith.

H. B. 233. An Act to repeal, amend and re-enact Section 4281e-8 of Carroll's Kentucky Statutes, Baldwin's 1936 Revised Edition, and Section 4281e-10 of Baldwin's 1937 Supplement to Carroll's Kentucky Statutes, being part of an "Act Concerning Revenue and Taxation", and declaring an emergency.

H. B. 152. An Act to authorize the judges of police courts

in cities of the first and second class to postpone rendition of judgment, to probate the offenders, make rules and regulations for the arrest of defendants and enforcement of judgment rendered in certain criminal cases, to provide for the appointment, duties and salary of a probation officer.

H. B. 284. An Act to amend Section 5 of Chapter 27 of an Act approved March 22nd, 1916, relating to Fraternal Benefit Societies, by adding "Subsections 3 and 4, repealing all laws in conflict with this Act to the extent of such conflict."

H. B. 18. An Act to amend Section 2554c-1 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 49. An Act to amend Section 4399-32, Kentucky Statutes, Carroll's 1936 Edition, relating to expense of board members for attending meetings.

H. B. 51. An Act to prohibit the Board of Education, Superintendent of Public Schools or any city in the Commonwealth from adopting any rules or regulations in restraint of marriage of any public school teacher.

H. B. 58. An Act relating to containers used in the Dairy Industry providing for the registration of such containers, the names, trade marks, etc., and prescribing punishment for illegal use.

H. B. 55. An Act to repeal, amend and re-enact Sections 112-1 to 117a, inclusive, Carroll's Kentucky Statutes, 1936 Revision, said sections being Chapter 32 of the Acts of 1908, Chapter 113 of the Acts of 1928, Chapter 21 of the Acts of 1912, Chapter 23 of the Acts of 1924 and Chapter 100 of the Acts of 1892, relating to the office of Attorney General of the Commonwealth of Kentucky and his assistants.

H. B. 63. An Act to provide for the creation of and organization of a Zoning Commission in cities of the third, fourth, fifth and sixth classes and regulate the powers, duties and procedure of such.

H. B. 66. An Act to provide for city and regional planning in cities of the third, fourth, fifth and sixth classes, the creation, organization and powers of planning commissions, regulation of subdivision of land and the acquisition of right to keep planned streets free from buildings; and providing penalties for violation of this act.

H. B. 80. An Act relating to revenue and taxation and repealing, amending and re-enacting, Section 1, Chapter 69 of the Acts of the General Assembly of the Commonwealth of Kentucky passed at the regular session of the General Assembly which was begun in the City of Frankfort, Kentucky, on Tuesday, January 9th, 1936, and ended on Saturday, February 15th, 1936, and entitled;—"An Act relating to revenue and taxation; and repealing, amending and re-enacting Section 1 of Chapter 20 of the Acts of the General Assembly of the Commonwealth of Kentucky passed at the Extraordinary Session of the General Assembly which was begun in the City of Frankfort, Kentucky, on Wednesday, May 9th, 1934, and ending on Monday, July 2nd, 1934."

H. B. 110. An Act to amend, revise and re-enact Section 115 of Chapter 182 (now Section 1243) Kentucky Statutes, relating to petit larceny.

H. B. 112. An Act to amend and re-enact Sections 1463 to 1465, Carroll's Kentucky Stautes, Baldwin's 1936 Revision, relating to ballots.

H. B. 114. An Act to define, regulate and license real estate brokers and real estate salesmen in cities of the first

and second class, to create a state real estate commission and provide penalties for violations.

H. B. 116. An Act to amend Section 1243 Carroll's 1930 Edition Kentucky Statutes by adding thereto the words "Provided if the offense be committed within the corporate limits or the prosecution originated in the police court of any city or town within this Commonwealth the person convicted for the offense shall be confined in the city or town jail of the municipality in which the offense was committed and conviction had, if such a jail be maintained and kept by such municipality.

H. B. 133. An Act amending and re-enacting Section 4281 f-1 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, being an act relating to a tax on admissions.

H. B. 135. An Act to repeal, amend and re-enact Section 2380b-9, 2380b-11, 2380b-12 of Carroll's Kentucky Statutes, 1936 Revision, relating to the mode of electing officers for Drainage Districts provided for under these sections.

H. B. 151. An Act providing for the payment of the premium on the official bonds of County Clerks, Sheriffs, Jailers and Circuit Clerks in counties containing a population of 75,000 or more.

H. B. 155. An Act to exempt disabled War Veterans from poll tax.

H. B. 160. An Act to amend and re-enact Section 4 and 7 of Chapter 111 of the Acts of the General Assembly at its 1936 session, approved February 27th, 1936, defining certain of the powers and duties of the Statute Committee.

H. B. 162. An Act to amend and re-enact Subsection (e)

of Section 1 of Chapter 3 of the Acts of the General Assembly at its 1934 session, authorizing the fixing of the annual fees of members of the Kentucky State Bar Association.

H. B. 173. An Act to amend and re-enact Section 3142b-1 and Section 3142b-5 of Carroll's Kentucky Statutes, relating to policemen and firemen's pension fund in cities of the second class.

H. B. 176. An Act amending and re-enacting Section 4072 of Kentucky Statutes, Carroll's Edition of 1936, relating to advancement of money to defray expenses and partial payment on salaries of the county tax commissioner in counties containing a city of the first class.

H. B. 179. An Act providing for the teaching and practice of barbering and beauty culture requiring the registration of barber instructors, beauty instructors, barbers and apprentices, beauty culture, beauty schools, barber schools, barber shops and beauty shops, and the supervising of barber shops, barber schools, beauty shops and beauty schools, defining the practice of barbering, beauty culture, manicuring, apprentice practice, exemptions from the operation of the act: qualifications for the certificate of registration as registered instructors, registered barbers, registered beauty specialist, registered manicurists, registered shops and registered schools; providing for application for examination and examination preparatory to practice as registered instructors, registered barbers, registered beauty specialists, registered apprentices and registered manicurists; providing for the establishment of a minimum standard of professional educational of instructors, barbers' beauty culturists, and manicurist; providing for the issuance of certificates of registrations of barbers, beauty culturists, instructors, schools, shops, apprentices and manicurists; regulating the admission of barbers, beauty specialists, apprentices, instructors and mani-

curists to practice in this state who have practiced barbering or beauty culture in another state or country; providing for the present practitioners in this state; for the issuance and display of certificates of registration for the renewal and the restoration of certificates; providing for the establishment of a board of barber and beautician examiners to be known as the Kentucky State Board of Barber and Beautician Examiners; for the hearing by said board of refusal, revocation, renewal or suspension of any certificate of registration; for perfecting appeal from the board, for fees to be charged for the issuance of registration certificates and for fee to accompany application for examination; for certain shop sanitary regulations; for penalty for violation of any provision of this act; for compensation of members of board and method of appointment by Governor; for organization of said board and its officers; duties of said board, for delegating to it powers to make and publish rules and regulations for the administration of this act and the posting of same in barber shops, beauty shops, barber schools, and beauty schools of this state; for the keeping of the records of the boards proceedings and its publicity; for method of call meetings of the board; for the duties of the boards secretary for compensation of a secretary and each member of the board and limiting salary of any employee, inspector, clerk or assistant; for the declaration by courts of unconstitutionality of any section or part of this act not affecting any part of this act not declared unconstitutional.

This Act shall be known and may be cited as the "Kentucky Barber and Beautician Act."

Whenever, in this Act the word "board" is used it shall be construed to mean the Kentucky State Board of Barber and Beautician Examiners.

H. B. 182. An Act to amend and re-enact Section 2573, Kentucky Statutes.

H. B. 189. An Act repealing, amending and re-enacting Section 551, Kentucky Statutes, relating to corporations, their management and control, the election and qualifications of directors of corporations.

H. B. 196. An Act to repeal, amend and re-enact Sections 3484, 3487, 3504, 3509, 3510 and 3531, Kentucky Statutes, Carroll's 1936 Edition, annotated by Baldwin, said Sections being a part of Chapter 241 of the Acts of 1893 of the General Assembly of the Commonwealth of Kentucky.

H. B. 199. An Act to repeal, amend and re-enact Sections 4042a-8 and 4042a-10 of Baldwin's Kentucky Statutes, Carroll's 1930 Edition, relating to the compensation of the county tax commissioners.

H. B. 213. An Act to repeal, amend and re-enact Section 979b-5, Carroll's Kentucky Statutes, 1936 Edition, relating to probation and postponement of rendition of judgment in cases tried in the circuit courts and the quarterly courts of this Commonwealth.

H. B. 219. An Act to amend and re-enact Article V and VI of Chapter 85, being Sections 2619 to 2635b-5, inclusive, of Carroll's Kentucky Statutes, 1936 Edition, relating to regulation of the practice of pharmacy in the Commonwealth of Kentucky and to establish a Board of Pharmacy and define the powers and duties thereof.

H. B. 220. An Act imposing taxes on motor vehicles for hire used primarily for the transportation of passengers operating under a certificate of convenience and necessity or permit issued by any governmental authority of this or any other state.

H. B. 221. An Act relating to the sale, control and licens-

ing of the sale of appliances, drugs and medicinal preparations intended or having special utility for the prevention of venereal diseases.

H. B. 225. An Act providing for an exemption from the State's lien upon the estate of a recipient of old age assistance.

H. B. 226. An Act to provide special lien books to County Clerks, and for the keeping of a record of liens against the estates of recipients of old age assistance by County Clerks.

H. B. 227. An Act to vest powers of Notary Public in the Director and all official representatives and field investigators of the Division of Public Assistance.

H. B. 238. An Act to amend and re-enact Section 1456 of the Kentucky Statutes, Carroll's 1936 Edition, being Section 11, Article 3, of Chapter 65 of the Acts of the General Assembly of 1892, as amended by Section 1 of Chapter 37 of the Acts of the General Assembly of 1918, relating to and providing for the time of filing of certificates and petitions of nominations.

H. B. 241. An Act repealing and re-enacting Section 7626-5, Kentucky Statutes, relating to providing funds for the administration of the Acts of 1920, Chapter 16, pertaining to Fire Marshals and Superintendents of Fire Insurance Rates.

H. B. 243. An Act repealing and re-enacting Section 4229, Kentucky Statutes, relating to statement of premiums collected, amount of taxes thereon and time of payment by foreign insurance companies other than life.

H. B. 245. An Act repealing, amending and re-enacting Section 4224a-1 of Carroll's Kentucky Statutes, 1936 Edition,

imposing an occupational license tax only upon wholesalers, jobbers and retailers of cigarettes, restaurants, retailers of ice cream and soft drinks, theatres, billiards and pool tables and bowling alleys.

H. B. 252. An Act to be known and designated as the Roger Wells Act, changing the name of Glasgow Junction, Barren County, Kentucky, to Park City, Barren County, Kentucky.

H. B. 253. An Act setting the time for renewing certificates and for meeting renewal requirements.

H. B. 256. An Act to exempt single unit stores from filing reports and paying the license tax as heretofore required, by repealing, amending and re-enacting Sections 4202a-15 and 4202a-17 of Carroll's Kentucky Statutes 1936 Edition, to provide for the proration of such license tax among multiple owners of the tax subject.

H. B. 259. An Act to repeal, amend and re-enact Section 2790 of Carroll's Kentucky Statutes, Baldwin's 1936 Edition.

H. B. 260. An Act to repeal an Act entitled: "An Act to provide for establishing county courts at Covington," passed and approved the 11th day of February 1858.

H. B. 265. An Act to repeal, amend and re-enact Section 2985, Carroll's Kentucky Statutes, Baldwin's 1936 Edition.

H. B. 266. An Act amending Sections 30 and 38 of an Act entitled: "An Act relating to Courts of justice, Article I, Court of Appeals. Article II, Circuit Courts. Article III, Quarterly Court. Article IV, County Court. Article V, County Judge. Article VI, Justices Courts. Article VII, Change of Venue", passed and approved June 10, 1893.

H. B. 267. An Act entitled an Act to amend Sections 2801b-3 and 2801b-9 of Kentucky Statutes, relating to the establishment and maintenance of Free Public Libraries in cities of the first class and to increase the amount which such libraries may be permitted to borrow.

H. B. 269. An Act to repeal Section 3011 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to licenses of cities of the first class and declaring an emergency to exist.

H. B. 270. An Act to repeal, amend and re-enact Section 2768 of Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 274. An Act to repeal, amend and re-enact Section 2992, Carroll's Kentucky Statutes, Baldwin's 1936 Edition.

H. B. 276. An Act to amend and re-enact an Act entitled: "An Act to provide for the care, custody and maintenance of courthouses and the courtrooms and offices therein and the public grounds adjacent thereto in counties containing cities of the second class", passed and approved March 23rd, 1908.

H. B. 277. An Act to repeal An Act entitled: "An Act to direct certain terms of the Kenton Circuit Court to be held in Covington," passed and approved February 21st, 1850.

H. B. 278. An Act to repeal an Act entitled: "An Act to fix the portion of county and municipal expenses to be paid by the City of Covington in the County of Kenton," passed and approved the 18th day of March, 1886.

H. B. 279. An Act to repeal and Act entitled: "An Act authorizing the Presiding Judge of Kenton County to hold

quarterly terms in Covington," passed and approved December 20, 1851.

H. B. 280. An Act to amend Section 9 of an Act entitled: "An Act relating to Clerks", passed and approved February 27th, 1893.

H. B. 286. An Act to repeal, amend and re-enact Section 2850 of the Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 287. An Act to repeal, amend and re-enact Section 2984 Carroll's Kentucky Statutes, Baldwin's 1936 Edition.

H. B. 292. An Act to amend and re-enact Section 2740 Kentucky Statutes, 1936 Edition, and Chapter 71 of the Acts of the General Assembly of Kentucky of 1936, relating to classification of cities.

H. B. 295. An Act repealing, amending, and re-enacting 965-13, Kentucky Statutes, 1936 Edition.

H. B. 299. An Act enabling cities of the second, third, fourth, fifth and sixth classes of the Commonwealth to organize, maintain, and employ bands or orchestras for public musical purposes.

H. B. 311. An Act providing the manner, method, and means of giving notice to the owner or owners of any garment or clothing or wearing apparel or household goods for the purpose of enforcing the common law lien for services or labor rendered by persons, firms, partnerships or corporations, engaged in and conducting a business of dry cleaning or pressing or dyeing or glazing or laundering or washing or altering or repairing or storing of any and all garments, clothing, wearing apparel or household goods and providing a sale of said article not claimed after certain periods of time.

H. B. 320. An Act relating to the improvement of streets, alleys, and other public ways and sidewalks, including curbs, gutters or parts thereof, in cities of the second, third, fourth, fifth and sixth classes by contract with or in cooperation with the Works Progress Administration or other agency of the Federal Government or State of Kentucky.

H. B. 343. An Act to enable cities of the second class to purchase, establish, erect, maintain and operate municipal hospitals through sale of revenue bonds.

H. Res. 46. A Resolution to provide for ten copies each of Carroll's 1936 Kentucky Statutes, Baldwin's 1937 Kentucky Statutes Service and Carroll's 1938 Kentucky Codes of Practice for the use of the General Assembly, and providing for payment of same.

H. Res. 71. A Resolution authorizing E. E. Sandefer to file suit against the Commonwealth of Kentucky.

H. Res. 35. A Resolution appropriating the sum of Two Hundred and Fifty (\$250.00) Dollars for the purpose of paying Miss Sarah Margaret Layman for her services rendered as stenographer to the Investigating Committee appointed during the 1936 session of the General Assembly.

H. Res. 70. Resolution authorizing E. R. McGuire to file suit against the Commonwealth of Kentucky.

H. Res. 76. Resolution authorizing Mary Utley Brown, administratrix, to sue the Commonwealth of Kentucky.

H. Res. 32. A Joint Resolution authorizing the State Department of Health to cooperate with the Public Health Service and the Children's Bureau under titles five and six of the Social Security Act.

H. Res. 50. Resolution authorizing Clayton Stokes to sue the Commonwealth of Kentucky.

H. Res. 52. A Resolution authorizing the personal representatives of George Baber, deceased, to file and prosecute suit against the Commonwealth of Kentucky and the State Highway Commission or either of them.

H. Res. 51. A Resolution authorizing Jewel Ferguson and Edna Ferguson to sue the Commonwealth of Kentucky.

H. Res. 53. A Resolution authorizing Fred Henry Lewis, an infant, to sue the Department of Highways, or the Commonwealth of Kentucky.

H. Res. 54. Resolution authorizing Oscar Haight, Jr., administrator of the estate of Archie C. Haight, to sue the Commonwealth of Kentucky.

H. Res. 55. Resolution authorizing Harold Jernigan to sue the Commonwealth of Kentucky.

H. Res. 58. Resolution authorizing F. L. Buchanan to sue the Commonwealth of Kentucky.

H. Res. 62. Resolution authorizing Lillie Hopkins as administratrix to sue the Commonwealth of Kentucky.

H. Res. 65. Resolution authorizing George A. Caswell, or representative, to sue the Commonwealth of Kentucky, and Statute of Limitation not apply until and from the passage of the resolution.

H. Res. 57. Resolution authorizing John Williamson to sue the Commonwealth of Kentucky.

H. Res. 8. A Resolution authorizing D. J. Harmon of Wayland, Kentucky, to sue the Commonwealth of Kentucky and/or the State Highway Commission.

H. Res. 20. A Resolution authorizing Ada Hathaway to sue the Commonwealth of Kentucky and the State Highway Commission.

H. Res. 22. A Resolution authorizing Fannie B. Anderson to sue the Commonwealth of Kentucky and the State Highway Commission.

H. Res. 21. A Resolution authorizing Sallie B. Jones to sue the Commonwealth of Kentucky and the State Highway Commission.

H. Res. 59. Resolution authorizing J. B. Waterfield to sue the Commonwealth of Kentucky.

H. Res. 60. A joint resolution providing for furnishing Kentucky Directory.

H. Res. 63. Resolution authorizing Robert Jameson and others to sue the Commonwealth of Kentucky.

H. Res. 64. A resolution providing for payment of claims due the parties whose names are set out herein and for the amounts to set opposite their names, said claims being against the Commonwealth of Kentucky.

H. Res. 66. A Resolution authorizing the payment to G. L. Langdon, ex-Sheriff of Clay County, Kentucky.

H. Res. 67. Resolution authorizing Oscar Garison to sue the Commonwealth of Kentucky.

H. B. 379. An Act concerning wild animals, wild birds and fish, and repealing certain Sections of Carroll's Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 380. An Act providing for the control of the Japanese Beetle, imposing certain duties on the agricultural experiment station; providing penalties, and declaring an emergency.

H. B. 283. An Act to repeal, amend and re-enact Section 2993, Carroll's Kentucky Statutes, Baldwin's 1936 Edition.

H. B. 387. An Act to repeal, amend and re-enact Section 3142C-11, Kentucky Statutes, Baldwin's 1936 Revision.

H. B. 388. An Act to amend and re-enact Section 165a-9 Carroll's Kentucky Statutes, 1936 Edition, relating to fees for examination of Banks.

H. B. 392. An Act repealing the improvement of the streets, alleys and the public ways and sidewalks in cities of the second, third, fourth, fifth and sixth classes by contract with or in cooperation with the Works Progress Administration, or the United States Government or State of Kentucky.

H. B. 394. An Act providing for City School Boards in Cities of the Third Class to make contracts with private institutions for the instruction of the students to obtain a commercial education.

H. B. 395. An Act repealing and re-enacting Sec. 2711-A-190, Carroll's Kentucky Statutes, 1936 Edition, relating to pay, medical treatment and funeral expenses of National Guardsmen dying or disabled when on or as a result of duty.

H. B. 401. An Act to repeal, amend and re-enact Sec. 24, Chapter 1, of the Acts of the Second Extra Session of the 1936 General Assembly, entitled "An Act relating to revenue and taxation on the sale and distribution of alcoholic beverages and declaring an emergency."

H. B. 413. An Act amending charters of cities of the third class to provide for the creation of Civil Service Commission.

H. B. 417. An Act to promote the objects of the National Housing Act, as amended, by authorizing banks, Savings Banks, Trust Companies, Insurance Companies, Building & Loan Associations, Credit Unions, Trustees, etc., to make loans which are eligible for insurance under the National Housing Act as amended.

H. Res. 68. A Joint Resolution appropriating from the General Fund of the State of Kentucky (\$70.00) for payment of claims ordered and issued to Hon. C. D. Houchins, Judge of the Edmonson County Court.

H. Res. 69. A Resolution authorizing Bruce Peters, a citizen of Ousley County, to sue the Commonwealth of Kentucky.

H. Res. 72. A Resolution authorizing and permitting Omelia Bowen Murphy to sue the Commonwealth of Kentucky and the Kentucky State Industrial College, or either of them.

H. Res. 73. A Resolution authorizing Leo Caproni of Maysville, Kentucky, to sue the Department of Highways of the Commonwealth, and the Commonwealth of Kentucky, or either or both.

H. Res. 80. A Resolution providing for the benefit of

employees who have had their work materially increased during the session of the present Assembly and have worked overtime to keep the Capitol clean for said session.

H. Res. 81. A Joint Resolution authorizing George Lutrell and his wife, Nora Lutrell, to sue the Commonwealth of Kentucky, the Department of Highways, both or either.

H. Res. 83. A Resolution authorizing the personal representative of Hoyt Hedges, deceased, to file and prosecute suit against Fayette County and the Fiscal Court of Fayette County.

H. B. 345. An Act to regulate the practice of professional engineering creating a State Board for Professional Engineering; defining its powers and duties; imposing certain duties upon the State and political subdivisions thereof in connection with public work; and providing penalties.

H. B. 346. An Act to repeal, amend and re-enact Section 561 of Carroll's Kentucky Statutes, 1936 Edition, relating to the manner of dissolution of corporations and providing the duties of the Secretary of State when application for dissolution has been filed in his office and also have approval of Department of Revenue.

H. B. 348. An Act to amend and re-enact Section 1779a-1 of Carroll's Kentucky Statutes, annotated, Baldwin's 1936 Revision, which section is a part of Chapter 47, Article 18, relating to fees.

H. B. 355. An Act to amend and re-enact subsections 5 and 9 of Section 1083-2, Carroll's Kentucky Statutes, relating to the administration of justice in courts of justices of the peace in counties having more than 250,000 population.

H. B. 357. An Act relating to the ad valorem taxation of distilled spirits by counties, cities and school district and providing for a special rate of taxation on such spirits in cities of the first class. Permitting of a referendum and fixing the methods thereof.

H. B. 358. An Act providing for the levy of a tax by cities of the first class to provide a fund for Boards of Education in cities of the first class for the purchase of sites for school buildings, erection and equipping and alteration and enlargement of existing buildings.

H. B. 364. An Act to repeal, amend and re-enact Section 425 Carroll's Kentucky Statutes, Baldwin's 1936 Revision, relating to appointment of deputy constables, their powers, bonds, residence and manner of removal.

H. B. 367. An Act to amend and re-enact Sections 2739j-76, 2739l-11, and 2739l-15 which sections are part of Chapter 88b, relating to motor vehicles, Carroll's Kentucky Statutes, annotated, Baldwin's 1936 Revision.

H. B. 368. An Act to provide for the investigation and study of wages of women and minors employed in trade and industry in the State of Kentucky.

H. B. 371. An Act pertaining to the Motor Vehicle Law and amending and re-enacting the following sections of Carroll's Kentucky Statutes, 1936 Edition: 2739g-24, 2739g-26, 2739g-28, 2739g-29, 2739g-30, 2739g-34, 2739g-34a, 2739g-37, 2739g-40a, 2739g-48, 2739g-51, 2739g-57; enacting additional Motor Vehicle provisions directed to increase safety on the highways, concerning equipment of motor vehicles, driving of motor vehicles, stopping behind school busses, pedestrians, reporting of accidents to State Highway Patrol.

H. B. 372. An Act relating to motor vehicle operators' licenses, repealing, amending and re-enacting Sections 2739m-33, 2739m-35, 2739m-37, 2739m-41, 2739m-48, 2739m-49, and 2739m-50 of Carroll's Kentucky Statutes, 1936 Edition, placing certain restrictions upon the renting of motor vehicles, providing for the examination of applicants for motor vehicle operators' licenses, providing licensees shall report change of name and address, providing penalties for the violation of the provisions thereof, making the Department of Revenue responsible for the administration of safety provision of the operators' license laws, repealing Sections 2739m-43 and 2739m-51 of Carroll's Kentucky Statutes, 1936 Edition, and declaring itself severable.

H. Res. 74. A Joint Resolution authorizing and directing payment of the sum of (\$1,430.00) to Brooks Hargrove, Chief Clerk of the House of Representatives, and (\$880.00) to Marshall Barnes, Assistant Clerk of the House of Representatives, for proof reading copies for journals in 1937. One of 1936, regular session and three special and one special of 36-37.

H. B. 78. A Joint Resolution appropriating from the General Fund of the State (\$48.60) to pay A. H. Boles, Special Baliff Monroe Circuit Court, for services to the Commonwealth.

H. B. 79. A Resolution providing additional compensation for present officers and employers of the General Assembly 1938 in view of the services rendered.

H. B. 49. A Resolution providing December 12th to be known as Kentucky Day.

H. B. 35. A concurrent resolution providing for the crea-

tion of a Commission to plan for Kentucky's 150th anniversary into the Union.

Thereupon, all other business was suspended, said bills and resolutions were read at length and compared in open session and found to be correctly enrolled; and thereupon the President of the Senate, in open session and in the presence of the Senate, affixed his signature thereto.

Ordered that the Enrolling Clerk of the Senate deliver said bills and resolutions which originated in the House to the Enrolling Clerk of the House and those which originated in the Senate to the House.

After a time the Enrolling Clerk delivered said original and enrolled copies of said bills and resolutions which originated in the Senate duly signed by the Speaker of the House.

Ordered that the Chief Clerk of the Senate deliver said bills and resolutions to the Governor.

After a time the Chief Clerk aforesaid reported that he had discharged that duty.

Senator Gilbert moved that the President of the Senate appoint a committee to wait upon the House and inform that body that the Senate has now completed the business before it and request the House to appoint a like committee to act on the part of the House in conjunction with the committee on the part of the Senate, and wait upon the Governor, to inform him that the House and Senate, composing the General Assembly of the Commonwealth of Kentucky, have completed the business before them, and are now ready to adjourn sine die, and to inquire whether the Governor has any further communication to make.

Whereupon, the President of the Senate appointed Senators Gilbert, Blake, Bush, Ray B. Moss and Basham as members constituting said committee.

After a time the committee reported that they had discharged the duties imposed upon them, and that they had been informed by the Governor that he had no further communication to make.

The Journals of the Senate were then read and compared and approved by the Senate.

And then the Senate adjourned sine die.

Approved:

KEEN JOHNSON,
President of the Senate.

Attest:

V. A. PHILLIPS,
Chief Clerk of the Senate.

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TO

SENATE JOURNAL

REGULAR SESSION OF THE

GENERAL ASSEMBLY

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